

## Chapter 9.36

### WEAPONS

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#### **9.36.010 Discharge of Firearms Unlawful.**

It shall be unlawful for any person, except as provided in this chapter, to fire or discharge any gun or firearm, including any pistol, revolver, shotgun, or rifle, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits. (Ord. 15625 §1; July 9, 1990: P.C. §9.28.010; Ord. 9382 §1; January 22, 1968: prior Ord. 3489 §9-101, as amended by Ord. 6513; December 3, 1956).

#### **9.36.020 Minors Not to be Furnished With Firearms, Ammunition or Weapons.**

(a) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, fowling piece, or other firearm, any ammunition or component thereof, or any pocket knife having a blade more than three and one-half inches in length; provided, it shall be lawful to sell, loan, or furnish shotguns or rifles, of a type commonly used for hunting, and any ammunition or component thereof for the same, to persons eighteen years of age or older.

(b) This section shall not apply to delivery or transfer of rifles or shotguns or ammunition or components thereof to a juvenile:

(1) By the juvenile's parent or legal guardian for a legitimate and lawful sporting purpose; or

(2) Who is under direct adult supervision in an appropriate educational or competitive shooting program.(Ord. 17529 § 1; July 19, 1999: prior Ord. 15625 §2; July 9, 1990: P.C. §9.28.020: Ord. 3489 §9-102, as amended by Ord. 6675; November 25, 1957).

**9.36.025 Firearms Offered for Sale at Retail; Access Restricted.**

It shall be unlawful for any person to display for sale at retail any firearm, reloading components of ammunition for firearms, or any ammunition for handguns, without such firearm, reloading components, or ammunition for handguns being secured so as to cause them to be inaccessible without the assistance of authorized sales personnel of the retailer. (Ord. 20037 §1; June 16, 2014: prior Ord. 16975 §1; April 29, 1996).

**9.36.030 Report of Sale of Firearms.**

Any person, firm, association, or corporation dealing in firearms of any type shall, on the same day of the sale of any firearm, except a shotgun or a rifle of a type commonly used for hunting, report the sale to the Police Department on forms as prescribed and furnished by the Police Department. The report shall contain all the information requested thereon. (Ord. 15625 §3; July 9, 1990: P.C. §9.28.025: Ord. 15443 §1; February 20, 1990: prior Ord. 7936 §1; December 26, 1962).

**9.36.035 Unlawful to Sell or Possess Multiburst Trigger Activators.**

It shall be unlawful for any person to sell, give away, or furnish to another person any device meeting the definition of multiburst trigger activator and it shall be unlawful for any person to have in his or her possession, custody, or control any device defined as a multiburst trigger activator within the corporate city limits of the City of Lincoln. (Ord. 20652 §1; March 26, 2018).

9.36.035 shall take effect and be in force on May 1, 2018 pursuant to Ord. 20652 §4.

**9.36.040 Unlawful to Sell or Possess Switch-Blade Knife.**

It shall be unlawful for any person to sell, give away, or furnish to another person any switch-blade knife; and it shall be unlawful for any person to have in his or her possession, custody, or control any switch-blade knife. (Ord. 15625 §4; July 9, 1990: P.C. §9.28.030: Ord. 3489 §9-101.1, as amended by Ord. 6284; February 20, 1956).

**9.36.050 Discharge of Weapons and Other Instruments Unlawful.**

It shall be unlawful for any person, except as provided in this chapter, to fire or discharge, within the corporate limits, or on any property of the City of Lincoln outside of the corporate limits, any air rifle, toy pistol, toy gun, slingshot, or any other air, gas, or spring operated gun, weapon, apparatus, or instrument for the purpose of throwing or projecting missiles of any kind by any means whatsoever in such a manner as to endanger the safety of persons or property, whether the instrument is called by any name set forth above or by any other name. (Ord. 15625 §5; July 9, 1990: P.C. §9.28.040: Ord. 9382 §2; January 22, 1968: prior Ord. 3489 §9-103; July 6, 1936).

**9.36.060 Toy Guns or Slingshots That Discharge Dangerous Missiles Not to be Carried.**

It shall be unlawful for any person to carry about his or her person any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of or by which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §6; July 9, 1990: P.C. §9.28.050: Ord. 3489 §9-104; July 6, 1936).

**9.36.070 Minors Not to be Furnished With Toy Guns or Slingshots That Discharge Missiles.**

It shall be unlawful for any parent, guardian, or other person having the care and custody of any minor, to purchase for or give to any such minor or knowingly to permit any such minor to have any toy pistol, toy gun, or other toy arm or arms, or slingshot, out of which any leaden or other dangerous missiles may be discharged. (Ord. 15625 §7; July 9, 1990: P.C. §9.28.060: Ord. 3489 §9-105; July 6, 1936).

**9.36.080 Exemptions.**

The provisions of Sections 9.36.010 and 9.36.050 shall not apply to (a) licensed shooting galleries or archeries; (b) any range operated, supervised, and maintained by the United States of America, the State of Nebraska, or any governmental subdivision thereof, when in connection with an educational or training program and upon property owned or leased by the United States of America, the State of Nebraska, or subdivision or agency thereof; (c) a private building within which the instrument is fired, discharged, or operated in such a manner as to prevent the missile projected from traversing in the space outside of the private building; (d) any law enforcement officer in the performance of such officer's duties; (e) any agent or employee of a political subdivision engaged in controlling the bird or animal population on property owned, leased, or controlled by such political subdivision when authorized by such political subdivision for the protection of the public health, safety, or welfare; (f) any hunt authorized by the City of Lincoln conducted under the supervision of the Nebraska Game & Parks Commission in connection with an educational or training program and/or for the purpose of controlling animal population on property owned, leased or controlled by the City of Lincoln; and (g) any City recognized homeowner association, located in a flight pattern designated by the Lincoln Airport Authority and in need of bird control, may engage in nonlethal means of controlling the bird population on property owned, leased or controlled by the homeowner association when authorized by the City of Lincoln and while under the supervision of the Nebraska Game & Parks Commission for the protection of the public health, safety, or welfare. The Lincoln Airport Authority must file with the City Clerk a copy of the flight patterns and areas in which control of the bird population is necessary. (Ord. 19311 §1; October 5, 2009: prior Ord. 18110 §1; December 9, 2002: Ord. 17377 §1; July 13, 1998: Ord. 15625 §8; July 9, 1990: P.C. §9.28.130: Ord. 9382 §3; January 22, 1968: Ord. 3489 §9-112, as amended by Ord. 4382; March 8, 1943).

**9.36.090 Transporting Explosives; Port of Entry; Routes; Penalty.**

It shall be unlawful for any person, firm, or corporation to convey, or transport through any street, avenue, alley, or other public place within the city, any dynamite, nitro-glycerine, gunpowder, guncotton, TNT, or any other explosive material, with the exception of legal fireworks, without first having stopped at a port of entry hereinafter designated, and having notified the Police Department of the city of their intention to move said vehicle within or through the city and requesting a police escort. Such vehicle, or vehicles, shall follow such route, or routes, as may be designated to them by such police escort. The City Council shall, by resolution, designate ports of entry at which all such vehicles shall stop. (Ord. 20604 §1; December 11, 2017: prior Ord. 15625 §9; July 9, 1990: P.C. §9.28.150: Ord. 5633 §§ 1, 2; October 21, 1953).

### **9.36.100 Unlawful Possession of Firearms.**

(a) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of any one of the following offenses within the last ten years: Stalking in violation of *Neb. Rev. Stat.* § 28-311.03 or any other comparable or similar state statute from another state; Violation of a protection order as set forth in *Neb. Rev. Stat.* § 42-924 or Violation of a foreign protection order as set forth in *Neb. Rev. Stat.* § 42-931; False imprisonment in the second degree in violation of *Neb. Rev. Stat.* § 28-315; Sexual assault in the third degree in violation of *Neb. Rev. Stat.* § 28-320; Impersonating a peace officer in violation of *Neb. Rev. Stat.* § 28-610; or, Impersonating police officer in violation of Lincoln Municipal Code § 9.08.060; Debauching a Minor in violation of *Neb. Rev. Stat.* § 28-805; Obstructing government operations in violation of *Neb. Rev. Stat.* § 28-901; Resisting arrest in violation of *Neb. Rev. Stat.* § 28-904; Resisting officer in violation of Lincoln Municipal Code § 9.08.030; Obstructing a peace officer in violation of *Neb. Rev. Stat.* § 28-906; Interfering with an officer making an arrest in violation of Lincoln Municipal Code § 9.08.020; Carrying concealed weapon in violation of *Neb. Rev. Stat.* § 28-1202; Criminal child enticement in violation of *Neb. Rev. Stat.* § 28-311; Implements for escape in violation of *Neb. Rev. Stat.* § 28-913; Unlawful possession of explosives, second degree in violation of *Neb. Rev. Stat.* § 28-1216; Use of explosives without a permit in violation of *Neb. Rev. Stat.* § 28-1218; Concealing the death of another person in violation of *Neb. Rev. Stat.* § 28-1302; Minors not to be furnished with firearms, ammunition, or weapons in violation of Lincoln Municipal Code § 9.36.020; Discharge of firearms unlawful in violation of Lincoln Municipal Code § 9.36.010; Assault in the third degree in violation of *Neb. Rev. Stat.* § 28-310; Assault and battery, menacing threats in violation of Lincoln Municipal Code §9.12.010; Unlawful intrusion in violation of *Neb. Rev. Stat.* § 28-311.08; Violation of custody in violation of *Neb. Rev. Stat.* § 28-316; Domestic assault in violation of *Neb. Rev. Stat.* § 28-323; Criminal trespass in the first degree in violation of *Neb. Rev. Stat.* § 28-520; Contributing to the delinquency of a child in violation of *Neb. Rev. Stat.* § 28-709; Public indecency in violation of *Neb. Rev. Stat.* § 28-806; Public indecency or indecent exposure in violation of Lincoln Municipal Code § 9.16.180; Operating a motor vehicle or vessel to avoid arrest in violation of *Neb. Rev. Stat.* § 28-905; Fleeing in a vehicle to avoid arrest in violation of Lincoln Municipal Code § 10.14.280; any violation of the Uniform Controlled Substances Act as set forth in *Neb. Rev. Stat.* §§ 28-401 to 28-456.01; Toxic compounds, unlawful use in violation of Lincoln Municipal Code §9.16.110; Criminal attempt in violation of *Neb. Rev. Stat.* § 28-201 for any of the state crimes set forth in this subsection (a).

(b) It shall be unlawful for any person to possess any firearm within the corporate limits or on any property of the City of Lincoln outside the corporate limits when that person has been convicted of two or more of the following offenses within the last ten years: Driving under the influence of alcoholic liquor or drugs in violation of *Neb. Rev. Stat.* § 60-6,196; Driving under the influence of alcoholic liquor or drugs in violation of Lincoln Municipal Code § 10.16.030; Implied consent to submit to chemical test, refusal in violation of *Neb. Rev. Stat.* § 60-6-197; Chemical test, refusal in violation of Lincoln Municipal Code §10.16.040; or any conviction under a law of another state or municipality if at the time of the conviction under said law the offence for which the person was convicted would have been a violation of *Neb. Rev. Stat.* §§ 60-6,196 or 60-6,197.

(c) The provisions of this section shall not apply to (1) the issuance of firearms or the possession by members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training; or (2) a peace officer as defined by *Neb. Rev. Stat.* § 28-109(14). (Ord. 19060 §1; March 24, 2008; prior Ord. 18793 §1; August 21, 2006; Ord. 18158 §1; April 7, 2003).

**9.36.110 Firearms in Unattended Motor Vehicle; Unlawful.**

It shall be unlawful for any person to keep a firearm in an unattended motor vehicle for a period in excess of twenty-four hours.

The provisions of this section shall not apply to members of the Armed Forces of the United States, active or reserve, the National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or peace officers or other duly authorized law enforcement officers, nor shall it apply to vehicles containing firearms that are parked in locked enclosures or buildings, such as garages or other storage facilities. (Ord. 18158 §2; April 7, 2003).

**9.36.120 Firearm; Defined.**

For purposes of Sections 9.36.100 and 9.36.110 of the Lincoln Municipal Code, “firearm” shall mean any weapon which is designed to or may be readily converted to expel any projectile by action of an explosive or frame or receiver of any such weapon including, but not limited to, any pistol, revolver, shotgun, or rifle. (Ord. 18158 §3; April 7, 2003).

**9.36.130 Possession of Firearms and Dangerous Weapons in City and/or County Facilities; Prohibited.**

(a) It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in a city and/or county facility.

(b) This section shall not apply to possession of a firearm or other dangerous weapon by:

(1) An officer, agent, or employee of a state or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties.

(2) Licensed shooting galleries or archeries.

(3) Any range operated, supervised, or maintained by the State of Nebraska or any political subdivision thereof when in connection with an educational or training program.

(4) Authorized shows, performances and/or exhibitions displaying or using guns and/or knives. (Ord. 18794 §1; August 21, 2006).

**9.36.140 Possession of Firearms and Dangerous Weapons in Domestic Violence and Substance Abuse Facilities or Shelters; Prohibited.**

(a) It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in a domestic violence victim facility or shelter or substance abuse treatment center licensed by the State of Nebraska.

(b) This section shall not apply to possession of a firearm or other dangerous weapon by an officer, agent, or employee of a state or a political subdivision thereof who is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties. (Ord. 18794 §2; August 21, 2006).

**9.36.150 Definitions.**

For the purposes of Sections 9.36.035, 9.36.130, and 9.36.140, the following words shall have the following meanings:

**City and/or county facility** shall mean a building or part thereof owned or leased by the City of Lincoln Nebraska and/or Lancaster County or which is used as offices for any city and/or county employee.

**Dangerous weapon** shall mean any firearm, stun gun, knife, switchblade knife, any gun which releases any propelled object by spring mechanism, compressed air or compressed gas, or any other instrument the use of which is intended or likely to cause death or bodily injury;

**Knife** shall mean any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds;

**Multiburst trigger activator** shall mean either: (a) a device designed or redesigned to be attached to a semiautomatic firearm which allows the firearm to discharge two or more shots in a burst by activating the device; or (b) a trigger-activating device, whether manual or power-driven, that is constructed and designed so that when such device is attached to a semiautomatic firearm the rate of fire of such firearm is increased.

**Stun gun** shall mean any handheld electronic device that is powered by an internal power source such as batteries, and that is capable of introducing an electrical current into the body of a person which shall be capable of disrupting a person's central nervous system and rendering the person temporarily incapable of normal functioning, for any period of time whatsoever. The electrical current may be introduced into the human body by means of direct pressure to the body from fixed electrodes on the electronic device and/or by one or more electrodes attached to a length of wire or other connection and which upon being fired from a firearm or any other mechanical device, strikes the human body and produces the reaction described herein. (Ord. 20652 §2; March 26, 2018; prior Ord. 18794 §3; August 21, 2006).