

## CHAPTER 9.12

### WEAPONS IN PUBLIC BUILDINGS

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9.12.010 Title and Purpose: This ordinance is enacted to protect public safety while respecting the rights of citizens under the Second Amendment of the United States Constitution, and the Montana Constitution Article II, § 12 (right to bear arms). The town finds that firearms may be carried by qualified persons under state law, and local regulation is limited to areas where the state authorizes regulation.

9.12.020. Definitions: For the purposes of this ordinance:

1. Firearm: Any weapon designed or adapted to discharge a projectile using an explosive force.
2. Open Carry: The practice of openly carrying a firearm that is visible to others, without concealment.
3. Concealed Carry: Carrying a firearm that is completely or partially hidden by clothing or another object.
4. Publicly Owned Property: Any building or facility owned or leased by the town, including, without limitation, the town hall, libraries, community centers, town parks, and public safety facilities, etc.
5. Public Assembly: An event held on town property where people gather for a shared purpose.

9.12.030 State Law Preemption: In accordance with Montana Code § 45-8-351, the Town cannot prohibit, register, license, tax, or otherwise regulate the possession, ownership, transportation, or openly carrying of firearms except as outlined in this Section. This ordinance is not intended to conflict with the Second Amendment of the United States Constitution, Article II, § 12 of the Montana Constitution, or any provision of Montana Law.

9.12.040 Regulation of Firearms in Town Facilities and Events:

4.1 Publicly Owned Buildings:

(a) A person may not bring, carry, or possess a firearm (concealed or open carry) in any town-owned building or facility except as provided by state law. The Town may require firearms to be left secured in a locked vehicle or be refused entry.

(b) Exceptions:

- Peace officers or persons otherwise authorized by law;
- Persons carrying a valid Montana concealed weapon permit in areas not restricted by state law; and
- Events where professional security screening is required, and firearms may be screened before entry.

4.2 Town Parks and Public Assemblies:

To ensure participant safety, the Town may establish rules (§ 45-8-351(2)) banning the carrying of unconcealed or concealed firearms at organized gatherings or in designated park facilities during official Town events. These rules must be published and posted beforehand.

4.3 Schools and School Property:

Consistent with state and federal laws, firearms are prohibited on school grounds under separate school board authority and state statute; this ordinance reinforces those restrictions on properties under Town jurisdiction.

9.12.050 Discharge of Firearms: Except as otherwise permitted by law, it shall be unlawful for any person to discharge a firearm within the corporate limits of the Town, except in self-defense, and in areas designated for shooting ranges that are authorized by the Town Council or appropriate authority.

9.12.060 Compliance with State and Federal Law: Nothing in this ordinance shall be construed to permit any conduct that is prohibited by state or federal law, including possession by prohibited persons (e.g., convicted felons, adjudicated mental incompetents, illegal aliens) or possession in places restricted by federal law.

9.12.070 Penalties: Anyone who violates this ordinance shall be guilty of a misdemeanor and may face fines and penalties as outlined by town code, unless otherwise specified by state or federal law.

9.12.080 Severability: If any part of this ordinance is found invalid, the rest of the ordinance will remain in effect.

(Ord 230)