



Legislation Text

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**File #: 921876, Version: 1**

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921876  
SUBSTITUTE 1

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A substitute ordinance relating to a dangerous weapon retailer's license.

81-40-2 am  
105-43-1 rc  
105-43-2 am  
105-43-3-a am  
105-43-5 am  
105-43-6 rp  
105-43-7 am

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- Analysis -

The code currently requires obtaining a dangerous weapon retailer's license to sell dangerous weapons including firearms, except rifles or shotguns use for hunting purposes, air rifles and "weapons used solely for target practice purposes." This ordinance deletes all firearms, regardless of intended use, from the definition of dangerous weapons requiring a dangerous weapon retailer's license.

This ordinance also:

1. Increases the fee for a dangerous weapon retailer's license from \$27 to \$\_\_\_\_\_.
2. Requires any person, firm or corporation engaged in the business of selling, buying, receiving or giving away any dangerous weapons except firearms to obtain a dangerous weapon retailer's license.
3. Repeals the requirement that a permit to purchase a dangerous weapon including a firearm be obtained from the chief of police.
4. Prohibits the exhibit or display of dangerous weapons for sale in show windows in a public manner, or in show cases or counters in the inside which can be seen from the public street.

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The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 81-40-2 of the code is amended to read:

81-40. Dangerous Weapon Retailer's License.

2. The fee for each license shall be ~~[[-\$27]]~~ >>\$ <<.

Part 2. Section 105-43-1 of the code is repealed and recreated to read:

105-43. Sale of Dangerous Weapons. 1. LICENSE REQUIRED. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person within the city, any weapon listed or defined as dangerous in s. 105-34-2-a, except straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments exclusive of firearms as provided in s. 105-44 necessary to certain trades, crafts, professions or sports, without securing a license so to do as provided in subs. 1 and 3. It is the intent of this section that no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport, except firearms as provided in s. 105-44.

Part 3. Section 105-43-2 of the code is amended to read:

2. UNLAWFUL TO SELL WEAPONS TO MINORS. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in ~~[[s. 105-34]]~~ >>s. 105-34-2-a or any firearm defined in s. 105-34-2-b<<; or to any person under the age of 21 in the case of handguns, except household purpose knives or knives having blades less than 3 inches.

Part 4. Section 105-43-3-a of the code is amended to read:

3. APPLICATION FOR LICENSE. a. Any person, firm or corporation desiring a license authorizing the sale of any weapon listed or defined as dangerous in [-s. 105-34]] >>s. 105-34-2-a<<, except [-rifles or shotguns used for hunting purposes, target practice weapons or any]] sporting goods items as defined in sub. 1 [-above]], straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments >>exclusive of firearms as provided in s. 105-44<< necessary to certain trades, crafts, professions or sports, shall make application to the [-Milwaukee]] common council in writing, setting out in such application the full name and residence of the applicant if an individual; and if a firm or corporation, the name and residence of each of its members or officers. Such applicant shall also set out the location at which it is intended or desired to conduct such business.

Part 5. Section 105-43-5 of the code is amended to read:

5. DAILY REPORT ON SALES REQUIRED. Every person, firm or corporation who is licensed to deal in the sale of dangerous weapons pursuant to the requirements of subs. 1 and 3 [-above]] shall make out and deliver to the chief of police [-of the city of Milwaukee]] every day before [-the hour of 12 o'clock]] >>12:00<< noon a legible and correct report of every sale or gift made under authority of said license during the preceding 24 hours, which report shall contain the date of such sale or gift, the name of the purchaser or donee, with his or her address and age, the number, the kind, >>and the<< description and price of such weapon[-, the number of the purchaser's permit and the purpose for the purchase of such weapon]];

provided, however, that it shall not be necessary for any person, firm or corporation engaged in the buying and selling of such dangerous weapons, in wholesale or job- lots, to make the [-above mentioned]] report, but it shall be the duty of such person, firm or corporation to permit the chief of police to examine the books of such person, firm or corporation at any and all times [-he]] >>the chief<< may deem it advisable. Said report shall not be required on the sale of the following: [-rifles or shotguns used for hunting purposes: air rifles, weapons used for target practice purposes;]] straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments >>exclusive of firearms as provided in s. 105-44<< necessary to certain trades, crafts, professions or sports.

Part 6. Section 105-43-6 of the code is repealed. (Note: The provisions being repealed read as follows:

6. PERMIT REQUIRED TO PURCHASE. a. From Chief of Police. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in s. 105-34, except rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes, sporting goods, as defined in sub. 1 above, straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments necessary to certain trades, crafts, professions or sports. Before any such permit is granted, an application in writing shall be made therefor, setting forth in such application the name, address, age, height, weight, complexion, nationality and other elements of identification of any person desiring such permit.

b. Permit to be Filed. Such application shall also contain a recommendation from 2 persons who shall appear to be taxpayers residing within the city, that the permit should be issued. No such permit shall be granted to persons having been convicted of crime or to minors under the age of 18. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the city clerk of the city of Milwaukee within 3 months from the date of the issuance of the same. No person shall mutilate a shotgun or rifle or destroy the identification marks on any firearm. No shotgun or rifle shall be shortened to barrel length of less than 18 inches nor shall anyone remove the serial number from any weapon.)

Part 7. Section 105-43-7 of the code is amended to read:

7. EXHIBIT OF WEAPONS PROHIBITED. It shall be unlawful for any person, firm or corporation to exhibit for sale in show windows in a public manner, or to exhibit in show cases or counters in the inside which can be seen from the public street, any weapons listed or defined as dangerous in [-s. 105-34]] >>s. 105-34-2-a<<; or to display any signs, posters, cartoons or display cards suggesting the sale of any weapons so defined or listed in [-said]] >>this<< section; provided, however, that the

provisions of this section shall not apply to the exhibition or display of [-rifles or shotguns used for hunting purposes, air rifles, weapons used solely for target practice purposes,]] sporting goods >>exclusive of firearms as provided in s. 105-44<<, as defined in sub. 1 [-above]], straight-edge razors, household purpose knives, any knife having a blade less than 3 inches, or instruments >>exclusive of firearms as provided in s. 105-44<< necessary to certain trades, crafts, professions or sports. [-The exhibit for sale in show windows in a public manner, or the exhibit in show cases or counters in the inside which can be seen from the public street, of all pistols and revolvers, target practice purpose or otherwise, firearms as defined in s. 105-34-2-b is expressly prohibited. However, the display of any signs, posters, cartoons, or display cards suggesting the sale of all pistols and revolvers, target practice purpose or otherwise, such firearms is permitted.]]

APPROVED AS TO FORM

Legislative Reference Bureau

Date:

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

Office of the City Attorney  
Date:

LRB93069-2  
MCW:ayr  
3/24/93 otherwise, such firearms is  
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