

ORDINANCE NO. 4992

An Ordinance restricting the carrying of loaded firearms in public places pursuant to Oregon state law

RECITALS:

Oregon Revised Statutes 166.170 pre-empts much of the authority to regulate, restrict, or prohibit the sale, acquisition, transfer, ownership, possession, storage, transportation, or use of firearms or any element relating to firearms and components of firearms, including ammunition, to the state of Oregon. However, the state specifically grants cities the authority to regulate, restrict, or prohibit the possession of loaded firearms in public places by adoption of an ordinance (ORS 166.173).

An ordinance adopted under ORS 166.173 does not apply to a law enforcement officer in the performance of official duty, a member of the military in the performance of official duty, a person licensed to carry a concealed handgun, a person authorized to possess a loaded firearm while in or on a public building or court facility, or an employee of the United States Department of Agriculture acting within the scope of employment who possesses a loaded firearm in the course of the lawful taking of wildlife.

A "public place" is defined in ORS 161.015(10) as a place to which the general public has access, including, but not limited to, hallways, lobbies, and other parts of apartment houses and hotels not constituting rooms or apartments designed for actual residence, and highways, streets, schools, places of amusement, parks, playgrounds, and premises used in connection with public passenger transportation.

NOW, THEREFORE, THE CITY OF McMinnville ORDAINS AS FOLLOWS:

The McMinnville City Council adopts this Ordinance to amend the McMinnville Municipal Code by adding new section 9.44.025, as follows:

9.44.025. Carrying loaded weapons prohibited—Exceptions. The possession of loaded firearms in public places, as defined in ORS 161.015(10), is prohibited. This ordinance does not apply to or affect a law enforcement officer in the performance of official duty, a member of the military in the performance of official duty, a person licensed to carry a concealed handgun, a person authorized to possess a loaded firearm while in or on a public building or court facility, or an employee

of the United States Department of Agriculture acting within the scope of employment who possesses a loaded firearm in the course of the lawful taking of wildlife.

Passed by the Council this 28<sup>th</sup> day of July 2015 by the following votes:

Ayes: Drabkin, Hill, Jeffries, Menke, Ruden, Yoder

Nays: \_\_\_\_\_

Approved this 28<sup>th</sup> day of July 2015.

  
\_\_\_\_\_  
MAYOR

Attest:

  
\_\_\_\_\_  
CITY RECORDER

Approved as to Form:

  
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CITY ATTORNEY