City, its attorney stand by legality of ordinance

By Jan Schultz
The Imperial Republican

A gun ordinance the Imperial council passed in December, 2007, caused some controversy early on in its discussion.

Now, a Nebraska Attorney General's opinion is causing city officials across the state to look at their local laws.

Imperial's ordinance restricts firearms of any kind in city buildings. It doesn't apply to law officers, and says city officials may okay weapons in city facilities for educational/training events, such as hunter safety programs.

Last week, cities with ordinances restricting concealed weapons took notice when Attorney General Jon Bruning issued an opinion that state law allowing concealed weapons overrode local bans.

According to a World-Herald article, most municipalities indicated they weren't planning on changing their ordinances, despite Bruning's opinion. Most adopted more restrictive bans after the Unicameral adopted the concealed carry law in 2006.

Leah Bucco-White in the Attorney General's Office said Bruning issued the opinion earlier this month on a request from Imperial State Sen. Mark Christensen, who was asking about the scope of the law.

Christensen sought the Attorney General's opinion as he drafted modifications to the concealed carry law, as part of his bill this year, LB 430.

State law allows Nebraskans to carry a concealed weapon if they have a permit to do so, after going through the necessary training and background checks.

Bucco-White said the Attorney General doesn't plan court action against the municipalities that have the more restrictive gun laws, although they may conflict with state law.

She said he's encouraging municipalities to visit with their city attorneys about them.

City Clerk/Administrator Jo Leyland said they believe cities like Imperial can control what goes on in city-owned buildings and facilities.

City Attorney Phil Pierce is of the same opinion, and agrees that cities can adopt ordinances restricting weapons in city buildings. In an email to Leyland, Pierce said he contacted a judge in Scottsbluff, which has a local ordinance similar to Imperial's.

There, the judge even issued an order himself, banning weapons in the courthouse.

In September, 2007, the council had considered a more restrictive ordinance that would have banned concealed weapons in all parts of the city.

That did not proceed past the first reading, however. The council then passed the current ordinance in December that year.

Discussion of the gun ordinance started after an Imperial resident at the time wore a gun into the council meeting.

Ordinance No. 07-11-05

An ordinance of the city of Imperial, Chase County, Nebraska, amending Ordinance 06-08-03 (Code Book) by adding a section to ban weapons in all city public buildings; and to provide when this ordinance shall be in full force and effect.

SECTION 5-511

NO PERSON shall carry or possess any weapon in city public buildings. Weapon is defined as firearm, slingshot, air gun, BB gun, paint ball gun, or the like loaded with rock or other dangerous missiles or arrows, revolver, pistol, bowie knife, dirk, or knife with a dirk blade attachment, metal knuckles or any other deadly and dangerous weapon as defined by the Nebraska Statutes.
THIS SECTION shall not apply to any officer authorized by law of this City or of the State or United States to preserve the peace or to make arrests, or to any person whose employment authorizes the use of said weapon. The City may permit certain weapons in a designated facility for training or educational events. Said permits shall be issued by the Clerk after approval from the Chief of Police and Governing Board.
SECTION 2: Any other ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisison is repealed.
SECTION 3: This ordinance shall be in full force and effect from and after its passage, apprvoal and publication according to law.
PASSED, approved and adopted on Dec. 10, 2007.