

WELLS COUNTY ORDINANCE NO. 2007- 5

An Ordinance Restricting Possession of Weapons in the Wells County Courthouse

WHEREAS, the possession of weapons within the Wells County Courthouse is detrimental to the health, safety, and welfare of the persons within said building; and

WHEREAS the Wells County Board of Commissioners finds that the regulation of weapons within the Wells County Courthouse is within the jurisdiction of the Wells County Board of Commissioners;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Wells County, Indiana, as follows:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance the term "weapon" shall include, but is not limited to any of the following:

1. "Deadly weapon" as defined by Indiana Code § 35-41-1-8.
2. "Firearm" as defined by Indiana Code § 35-47-1-5.
3. "Electric stun gun" as defined by Indiana Code § 35-47-8-1.
4. "Stun gun" as defined by Indiana Code § 35-47-8-2.
5. "Taser as defined by Indiana Code § 35-47-8-3.
6. "Knife".
7. "Explosive" refers to any agent or substance tending or serving to explode. "Explosive" shall include but not be limited to gunpowder and dynamite;
8. "Club"
9. Any other object that in the manner in which it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury (as defined by Indiana Code § 35-41-1-25) as determined by the Wells County Sheriff or the Wells County Sheriff's agent.

SECTION 2. RESTRICTIONS.

Except as provided in Section II of this Ordinance, a person shall not possess on or about his or her person a weapon within the Wells County Courthouse.

SECTION 3. EXCEPTIONS.

The following persons are exempt from this order:

1. Law enforcement officers under Indiana Code § 35-41-1-17
2. Indiana Department of Correction officers
3. Community Correction officers
4. Judicial officers
5. Probation officers who are in the courthouse for official business and duly authorized to carry deadly weapons; and

6. Employees of the Courthouse who carry chemical spray devices for personal protection.

The persons described as exempt from this Ordinance *shall not be exempt* if they or any member of their family is a party to any proceeding taking place in the Court.

SECTION 4. PENALTY.

Any person violating the terms of this Ordinance shall:

1. be subject to a fine between \$25.00 and \$2,500.00 per occurrence at the discretion of the Judge of the Court; and
2. shall also be subject to having the firearm or weapon confiscated; and
3. shall also be required to pay all court costs relating to an action filed under the terms of this ordinance.

SECTION 5. SEVERABILITY.

Each section, subsection, sentence, clause, and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause, and phrase and the finding or holding of any part to be void, unconstitutional, or ineffective for any cause shall not affect any other part of the Ordinance.

SECTION 6. REPEAL.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect upon passage, after publication as required by law.

DATED THIS 18th DAY OF June, 2007.


WELLS COUNTY COMMISSIONERS:

Paul Bonham
Paul Bonham

Kevin A. Woodward
Kevin Woodward

C. Scott Mossburg
C. Scott Mossburg

ATTEST:

A handwritten signature in cursive script, reading "Laura Brubaker", written over a horizontal line.

Laura Brubaker, Auditor

This Ordinance prepared by TRENT M. PATTERSON, Attorney #10657-90,
GALLIVAN HAMILTON SEESE & PATTERSON, 125 S. Marion Street, Suite 100, Bluffton, IN 46714.

(Publish one time, on _____, 2007, in the Bluffton News-Banner and the Ossian Journal.)