



97962

smart #: 23080146
8/31/2023/jm/law



EXECUTIVE
ORDER

NO. 97962

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of
Lincoln, Nebraska:

I hereby accept and approve the attached Weapons Policy prohibiting the possession of weapons in all vehicles, buildings and facilities owned, leased, controlled, or maintained by the City of Lincoln.

The City Clerk is directed to return an executed copy of this Executive Order and attached Weapons Policy to Yohance Christie in the City Attorney's Office.

Dated this 1 day of SEPTEMBER, 2023.


Leirion Gaylor Baird, Mayor

Approved as to Form & Legality:


City Attorney

WEAPONS POLICY

PURPOSE

The City of Lincoln policy of prohibiting the possession of weapons in all vehicles, buildings, and facilities owned, leased, controlled, or maintained by the City of Lincoln is intended to protect and promote the health, safety, and welfare of all community residents.

DEFINITIONS

“City property” is defined as any premises under the care and control of the City of Lincoln to include, but is not limited to, owned or leased property or property contracted to be managed by the City, and common areas including, but not limited to public sidewalks, approach sidewalks, steps, verandas, parking lots, parks, vestibules, interior hallways and atriums under the City’s ownership or control.

“City vehicle” is defined as any vehicle that is owned, leased, controlled, or maintained by the City of Lincoln, or personal vehicles utilized in the performance of the employee’s work responsibilities.

“Possession” is defined as a person having a weapon on or near their person or having control over a weapon located in or on City property or a City vehicle. A person is deemed to be in possession of a weapon in a vehicle when the person is inside or in control (ex. Possesses a key) of the vehicle and shall be treated under this policy as if the weapon were being carried on their person.

“Staff” shall mean City employees, volunteers, or agents or contractors of the City who provide services at any City property.

“Weapon” is defined as any firearm, stun gun, knife with a blade length longer than 3.5 inches, explosive, any device which releases any propelled object by spring mechanism, compressed air, or compressed gas, or any other instrument the use of which is intended or likely to cause death or serious bodily injury.

POLICY

No individual shall possess or cause to be present a weapon in or on any City property or City vehicle. This prohibition applies regardless of whether an individual possesses a valid concealed carry permit or license issued by any jurisdiction.

EXCEPTIONS

Vehicles: Any person who secures a weapon in their personal or work vehicle on City property. The vehicle must be locked, and the weapon shall not be visible from outside the vehicle.

Law Enforcement: An officer, agent, or employee of a state or a political subdivision thereof who has jurisdiction in Lancaster County and who is authorized by law to engage in or supervise the prevention, detection, investigation of any violation of law. This person must be carrying proof of law enforcement jurisdiction while possessing a weapon on City property or in a City vehicle and must identify themselves and provide proof of jurisdiction to agents of the City.

Other Person: Other officers, agents, or employees of a political subdivision while performing their official job responsibilities in or on City property are authorized to be in possession of an approved weapon. Examples include, but are not limited to, an employee who is a law enforcement trainee, an animal control officer, handles seized evidence, collects and processes evidence, maintains vehicles in which weapons are stored, court personnel, and attorneys handling evidence. For purposes of this definition, an attorney not employed by a political subdivision (outside attorney) may possess a weapon for purposes of presentation of evidence where allowed by the courts. This exception does not authorize any person to possess a weapon for personal protection.

Security Personnel: Security personnel employed or contracted by the City may be authorized to carry weapons in accordance with City policies and applicable laws while in the lawful performance of their official responsibilities.

Special Circumstances: In exceptional circumstances, where it serves the public interest and there is a legitimate business need to possess a weapon in or on City property, a person may request permission from the Mayor or their designee. After consulting with the Chief of the Lincoln Police Department, and in compliance with all applicable laws and regulations, the Mayor or their designee will issue a written decision.

PROHIBITED BEHAVIOR

Possessing or causing to be present a weapon in or on an any City property or City vehicle is a violation of this policy. The City reserves the right at any time and at its discretion to search all City property for violations of this policy. Where security reasons justify, the City may require a person or person's personal items be searched while on City property or in a City vehicle.

NON-COMPLIANCE: TRESPASSING

Any person who violates this policy shall be considered to be trespassing and subject to criminal and civil penalties, to include being banned from the premises. If an individual in violation of this policy refuses to leave, pursuant to staff's request to leave, the individual will be considered trespassing and law enforcement will be called.