

# ORDINANCES OF THE CITY OF HELENA, MONTANA

## ORDINANCE NO. 3286

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 5 OF THE HELENA CITY CODE BY REPEALING PART 3, POSSESSION OF FIREARMS PROHIBITED; EXCEPTIONS; IN ITS ENTIRETY AND ADOPTING § 5-1-3 FIREARMS AND OTHER WEAPONS; DISCHARGE; IN ITS PLACE

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA:

Title 5 of the Helena City Code, Police Regulations, is hereby amended by repealing § 5-1-3 in its entirety and adopting this new § 5-1-3 in its place:

TITLE 5: POLICE REGULATIONS  
CHAPTER 1: GENERAL OFFENSES

~~PART 3: POSSESSION OF FIREARMS PROHIBITED; EXCEPTIONS~~  
PART 3: FIREARMS AND OTHER WEAPONS; DISCHARGE; EXCEPTIONS

~~5-1-3: POSSESSION OF FIREARMS PROHIBITED; EXCEPTIONS:~~

~~A. Prohibition: It shall be unlawful, and a misdemeanor, for any person, other than a peace officer in the discharge of his duties, or a citizen in the protection of his life or that of his family or his property, or any person authorized by law:~~

~~1. To carry on or about his person, in any place open to the public, any loaded or concealed firearm, rifle, air gun or pistol within the limits of this City, or to shoot any air gun, rifle, pistol, sling shot or bow and arrow within the limits of this City, except in those areas designated as indoor or outdoor rifle, pistol, shotgun or archery ranges as designated and approved by the City Manager.~~

~~2. To possess any firearm, air gun or pistol at a public assembly, in a City park, school, or in any publicly owned building, with the specific exceptions of:~~

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~~a. Legitimate displays of unloaded firearms at shows or other public occasions by collectors and others; and~~

~~b. Persons participating in hunter or gun safety classes sanctioned by the Department of Fish, Wildlife and Parks and authorized by the City or school.~~

~~B. Exceptions: Nothing in this chapter shall apply to a person in actual service in the military of the United States or the State, as a law enforcement officer or person summoned to his aid, nor to a revenue or other civil officer engaged in the discharge of his official duties, nor carrying of arms in one's premises or place of business, or where a concealed weapons permit has been granted to bear, concealed or otherwise, a pistol or revolver during the time of such permission.~~

~~C. Concealed Weapons: Any person carrying a concealed weapon pursuant to a valid concealed weapons permit, upon being stopped by a law enforcement officer while in possession of said weapon, must immediately advise said law enforcement officer of the location and type of weapon and show a valid permit for carrying the same.~~

~~D. Staged Presentation: Any person who wishes to present a staged presentation using firearms containing blanks or black powder only may submit a written request to the City Manager stating the time, location and duration of the presentation. If the request is approved, the Manager shall forward to the chief law enforcement officer of the City a copy of the written approval to inform the City police and for posting at the location of the presentation. (Ord. 3238, 1-8-2018)~~

## **5-1-3: FIREARMS AND OTHER WEAPONS; DISCHARGE; EXCEPTIONS**

A. As used in this chapter, the term "firearm" means any weapon that can discharge a projectile by way of an explosive charge.

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- B. Except as provided in 5-1-3(C) and 5-1-3(D), it is unlawful for a person to:
1. Carry on or about their person an unconcealed firearm or air gun in a publicly owned and occupied building under the City of Helena's jurisdiction; or
  2. Discharge any firearm, air gun, slingshot, bow, or crossbow within city limits.
- C. The following people are exempt from every prohibition set forth in 5-1-3(B):
1. A peace officer who is engaged in the discharge of the official duties of their employment;
  2. A member of the United States Armed Forces who is engaged in the discharge of the official duties of their employment;
  3. An armed carrier service employee, private security guard, government agent, government contractor, or government employee who is engaged in the discharge of their official work duties and is required to carry the weapon in question as a part of those duties; and
  4. A person summoned to the aid of any person named in subsections 5-1-3(C)(1) through 5-1-3(C)(3).
- D. The following people are exempt from the prohibition set forth in 5-1-3(B)(1):
1. Persons participating in hunter or gun safety classes sanctioned by the Montana Department of Fish, Wildlife and Parks; and

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2. Persons participating in or attending a legitimate display of unloaded firearms at shows or other public occasions put on by collectors or others. (Ord. 3238, 1-8-2018; amd. Ord. 3286, 1-11-2021)

FIRST PASSED BY THE COMMISSION OF THE CITY OF HELENA, MONTANA,  
THIS 7<sup>th</sup> DAY OF DECEMBER, 2020.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION

FINALLY PASSED BY THE COMMISSION OF THE CITY OF HELENA,  
MONTANA, THIS 11<sup>th</sup> DAY OF JANUARY, 2021.

/S/ WILMOT COLLINS  
MAYOR

ATTEST:

/S/ DANNAI CLAYBORN  
CLERK OF THE COMMISSION