

AN ORDINANCE TO AMEND CHAPTER 36 OF THE CITY CODE TO PROHIBIT FIREARMS, COMPONENTS OF FIREARMS, AMMUNITION, OR EXPLOSIVES FROM CITY BUILDINGS AND POLICE STATIONS

#0466

Sponsor:

Council
Member
Darby

Co-Sponsors:

Council
Members
McCoy
Johnson

WHEREAS, the City of Wilmington has determined that, for the safety and welfare of its citizens, employees, and visitors, certain City buildings require enhanced security measures to protect its citizens, employees, and visitors from potential harm; and

WHEREAS, 22 *Del. C.* § 111 gives the City the authority to enact laws regulating the possession of firearms, components of firearms, ammunition, or explosives in police stations and municipal buildings; and

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON
HEREBY ORDAINS:**

SECTION 1. Chapter 36 of the City Code is hereby amended by creating a new Section 36-169, to read as follows:

Sec. 36-169. – Possession of firearms, components of firearms, ammunition, or explosives in city buildings and police stations prohibited.

- (a) Prohibition. Except as set forth in section (e) below, possession of firearms, components of firearms, ammunition, or explosives is prohibited in all City buildings and police stations.
- (b) For purposes of this section, “City Buildings” are defined as:
 - (1) Any City-owned or leased building where the City meets in its official capacity, or any building containing the offices of elected officials and of public employees actively engaged in performing governmental business, but excludes any parking facility; and
 - (2) Any non-City owned or leased building when the City is meeting or occupying such building.
- (c) Required signs. In all City buildings and police stations, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign shall also state that persons in violation may be denied entrance to the building or be ordered to leave the building.

- (d) Immediate Departure. Any person who immediately forgoes entry or immediately exists any City building or police station due to the possession of a firearm, components of firearms, ammunition, or explosives shall not be guilty of violating this section.
- (e) Exceptions. Nothing in this section shall be deemed to prevent the following in City buildings or police stations:
- (1) Law-Enforcement Officers possessing firearms, components of firearms, ammunition, or explosives;
 - (2) Law-enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;
 - (3) Law-enforcement agencies conducting firearms safety and training programs;
 - (4) Law-enforcement agencies conducting firearms or ammunition public safety programs, donation, amnesty, or any other similar programs in City buildings or police stations;
 - (5) Compliance by persons subject to protection from abuse court orders;
 - (6) Carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or § 1441A of Title 11, so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others;
 - (7) Officers or employes of the United States duly authorized to carry a concealed firearm; or
 - (8) Agents, messengers, and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables, and other property and are engaged in the law execution of such duties
- (f) Penalties. Any person who violates this section shall be subject to a fine of at least \$250.00, but not more than \$500.00, or imprisonment for not more than one year, or shall be subject to both fine and imprisonment.

SECTION 2. Chapter 36 of the City Code is hereby amended by renumbering certain reserved sections thereof by deleting the stricken language and adding the underlined language to read as follows:

Secs. ~~36-169170~~ – 36-190. – Reserved.

SECTION 3. This Ordinance shall be deemed effective thirty (30) days after passage by City Council and signing by the Mayor.

First Reading.....August 22, 2024
Second Reading.....August 22, 2024
Third Reading.....

Passed by City Council,

President of City Council

ATTEST: _____
City Clerk

Approved this ____ day of _____, 2024.

Mayor

SYNOPSIS: This Ordinance prohibits possessing firearms, components of firearms, ammunition, or explosives in City buildings or police stations.

FISCAL IMPACT STATEMENT: There should be no fiscal impact.