8.75.010 Definitions - Possession Of Weapons

Possess: To have within the possession or control of a person or to have about a person or to transport within any motor vehicle, in such a place as to be accessible to the driver or passenger of the vehicle, including the glove box and the area under or beneath the seats.

Weapon: Those instruments or items which are designed or have been modified so as to be capable of causing bodily injury. They shall include, but shall not be limited to, daggers, dirks, stilettos, or any knife having a blade of three inches or longer, metallic knuckles, pocket billy, sand bag, skull-cracker, slug-shot, nunchucks, or offensive weapon as defined in Iowa Code §724.1 Furthermore, such definitions shall include those items which, although not designed or modified so as to be capable of causing bodily injury, are capable of such, and are threatened to be used, or carried with the intent to be used, as a weapon. For purposes of this Chapter, such weapons shall not include any firearms or weapons that are legal to possess under Iowa Code §724 or any other state law that preempts the jurisdiction of a political subdivision of the state of Iowa.

8.75.020 Possession Of Weapons - Prohibited

It is unlawful for any person to possess, within the city limits of Council Bluffs, Iowa, a weapon as defined in this Chapter, with the following exceptions:

1. Any peace officer, when his or her duties require the person to carry such weapon;
2. Any member of the Armed Forces of the United States or of the National Guard, or person in the service of the United States, when the weapons are carried in connection with his or her duties as such;
3. Any person who goes armed with a weapon in his or her own dwelling or place of business, or on land owned or possessed by the person, or upon property of another with the consent of the person in lawful possession of the property;
4. Any correctional officer, serving in an institution under the authority of the Division of Adult Corrections;
5. Any person who, under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices;
6. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use;
7. Any person who uses the weapon as a tool in his or her lawful trade or business, so long as he or she is participating in the trade or business at the time of the possession, or is on his or her way to or from participating in the trade or business;
8. Any person who has in his or her possession and who displays to any peace officer, on demand, a valid permit to carry weapons which has been issued to the person and whose conduct is within the limits of that permit. No person shall be convicted of a violation of this section if the person produces at his or her trial a permit to carry weapons which was valid at the time of the alleged offense, and which would have brought the person's conduct within this exception if the permit had been produced at the time of the alleged offense.

(Ord. 4378 § 1 (part), 1981)

(Ord. 4378 § 1 (part), 1981)

8.75.040 Penalty For Violation

Any person found guilty of a violation of any of the provisions of this chapter shall, upon conviction, be subject to the penalty provisions of CBMC 8.02.020. Each day that a violation is allowed to continue shall constitute a separate and distinct violation. At the discretion of the city attorney, any violation of the provisions of this chapter may be pursued as a municipal infraction according to the terms of CBMC 1.95 in lieu of criminal prosecution.

(Ord. 5627 § 1, 2001)