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Omaha Municipal Code

ARTICLE VII. **WEAPONS\***

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\*Cross reference(s)--Possession of weapons during civil emergencies, § 8-85; firearm dealers, § 19-361 et seq.; discharging fireworks, possession of firearms in park, § 21-9; disposition of confiscated firearms, § 25-6.  
State law reference(s)--Regulation of weapons, R.R.S. 1943, § 14-102(6); handguns, R.R.S. 1943, § 69-2401 et seq.

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DIVISION 1. GENERALLY

Sec. 20-191. Definitions.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

**Concealable firearm:** A firearm having a barrel less than 18 inches in length.

**Firearm:** Any instrument which releases a projectile by means of an explosive charge.

**Machine gun:** Any firearm which shoots, is designed to shoot, or can be readily restored to shoot automatically more than one shot without manual reloading by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

**Stun gun:** Any hand-held electronic device that is powered by an internal power source, such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced shall be capable of disrupting a person's central nervous system and rendering him/her temporarily incapable of normal functioning. The electrical current may be introduced into the human body by means of direct pressure to the body from fixed electrodes on the electronic device and/or one or more electrodes attached to a length of wire and which, upon being fired from a firearm or mechanical device, strikes the human body.

**Weapon:** A firearm, stun gun or any other instrument the use of which is intended or likely to cause death or bodily injury.

(Code 1980, § 20-191)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

**Sec. 20-192. Carrying concealed weapon.**

It shall be unlawful for any person except an authorized law enforcement officer purposely or knowingly to carry a weapon concealed on or about his person.

(Code 1980, § 20-192)

Sec. 20-193. Confiscation.

As a part of the judgment of conviction of any person under this article, confiscation of the weapon shall be ordered by the court.

(Code 1980, § 20-193; Ord. No. 33113, § 2, 11-23-93)

**Sec. 20-194. Protection as defense.**

It shall be a sufficient defense for any person charged under this article to show that he was engaged in a lawful business, calling or employment and the circumstances in which he was placed at the time were such as to justify a prudent person carrying a weapon for his own defense or the defense of his family or property.

(Code 1980, § 20-194)

**Sec. 20-195. Possession or transportation of firearms.**

(a) It shall be unlawful for any person to knowingly or purposely transport in any conveyance or in any other manner, or to possess off his own premises, any rifle, shotgun, **air gun**, air rifle or machine gun unless the same is **unloaded** and contained in any enclosed **gun case**, or unloaded and broken down. The removal of the bolt from any such firearm or carrying the same in a holster type gun case without further breaking down such firearm shall not be deemed to be in compliance with the requirements of this section.

(b) The provisions of this section shall not be applicable to:

- (1) Authorized law enforcement officers;
- (2) The armed forces of the United States, including ROTC units and the National Guard in the performance of their duties;
- (3) The carrying of unloaded and uncased rifles in parades or using rifles in ceremonials;
- (4) The possession of rifles, machine guns, or shotguns at shows or exhibits; or
- (5) Any other lawful use, purpose or activity, including but not limited to skeet and trap shooting, target shooting at rifle ranges, hunter safety instruction conducted by qualified instructors, when such do not endanger public safety or are detrimental to public welfare; provided, however:
  - a. The prior approval of the police chief shall have been obtained for such use, purpose or activity; and
  - b. With respect to skeet and trap shooting ranges located or to be located in public parks, the final determination of the safety of the same shall be made by the city council.

(Code 1980, § 20-195; Ord. No. 33113, § 3, 11-23-93; Ord. No. 33757, § 7, 12-19-95)

Cross reference(s)--Firearms exhibitions, § 19-383 et seq.

**Sec. 20-196. Discharging projectiles--Explosive devices.**

It shall be unlawful for any person to discharge an instrument which releases a projectile by means of an explosive charge; provided, however, that this section shall not apply to a law enforcement officer in the performance of his duties, to a person having obtained written permission from the chief of police or to a person utilizing a firing or gunnery range which has been established by the parks and recreation department or approved by the public safety department.

(Code 1980, § 20-196)

**Sec. 20-197. Same--Nonexplosive devices.**

It shall be unlawful for any person to discharge or release any instrument which propels a projectile across or into any public place or in the private property of another person.

(Code 1980, § 20-197)

Sec. 20-198. Sale of firearm to minor; penalty.

(a) It shall be unlawful for any person to sell or otherwise furnish or deliver any firearm, component parts or ammunition to any individual who is known, or there is reason to believe that the individual is less than 18 years of age, and if the firearm, component parts or ammunition is a concealable firearm, to any person who has not reached the age of 21.

(b) Any adult convicted under the provisions of this section shall be punished by a mandatory fine of \$500.00 and by mandatory imprisonment of six months.

(Code 1980, § 20-198; Ord. No. 33113, § 4, 11-23-93)

Cross reference(s)--Minors, § 20-81 et seq.

Sec. 20-199. Display of firearms or ammunition.

It shall be unlawful for any person purposely or knowingly to exhibit for sale or distribution in a display window or any other place which can be seen from a public thoroughfare any firearm or ammunition therefor.

(Code 1980, § 20-199)

Cross reference(s)--Firearm dealers, § 19-361 et seq.

**Sec. 20-200. Permit required for purchasing or renting firearm.**

It shall be unlawful for any person to sell or rent a concealable firearm to any person who has not obtained a written permit from the chief of police as provided for in this article.

(Code 1980, § 20-200)

Sec. 20-201. Pawning firearm.

It shall be unlawful for any person to pawn, pledge or store a concealable firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this article.

(Code 1980, § 20-201)

Cross reference(s)--Pawnbrokers, § 30-111 et seq.

Sec. 20-202. Report of sales and rentals of firearms.

Any person engaged in the sale, pawning, exchange, loan, rental or delivery of firearms must preserve and furnish daily to the chief of police a record of such transaction indicating the date of the transaction, a description of the firearm, including number, color, make, caliber, and all other identifying marks, and the name, address, age, height, complexion, color of hair, color of eyes, weight, and apparent deformities or peculiarities of the person with whom such transaction was had.

(Code 1980, § 20-202)

Cross reference(s)--Firearm dealers, § 19-361 et seq.

Sec. 20-203. Possession of machine guns.

(a) It shall be unlawful for any person to possess any machine gun.

(b) It shall be an affirmative defense under this section that the accused is a member of one or more of the following classes:

- (1) Authorized law enforcement officers in the performance of their official duties;
- (2) The armed forces of the United States, including ROTC units and the National Guard in the performance of their duties;
- (3) Any person or persons or corporation licensed by the federal government as a dealer in machine guns under the provisions of the National Firearms Act; or
- (4) Any person lawfully purchasing and possessing a machine gun under applicable federal law.

(Code 1980, § 20-203; Ord. No. 33757, § 8, 12-19-95)

Sec. 20-204. Unlawful possession of concealable firearm; exceptions.

(a) Any person who has not reached the age of 21 who possesses a concealable firearm as defined in this article commits the offense of unlawful possession of a concealable firearm.

(b) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, national guard of the state, or reserve officer training corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of concealable firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(Ord. No. 33113, § 5, 11-23-93)

Sec. 20-205. **Penalties.**

Any person who has not reached the age of 21 convicted under the provisions of sections 20-203 and 20-204 shall be punished as follows:

(a) For a first conviction, any person so offending shall be punished by a fine of not exceeding \$500.00, and by mandatory imprisonment of not less than 30 days and not more than six months.

(b) For any second conviction, any persons so offending shall be punished by a fine not exceeding \$500.00 and a mandatory imprisonment of not less than 30 days and not more than six months.

(c) For any subsequent conviction, any persons so offending shall be punished by a fine of not exceeding \$500.00, and by mandatory imprisonment of not less than 60 days and not more than six months.

(Ord. No. 33113, § 6, 11-23-93)

**Sec. 20-206. Carrying weapons.**

(a) As provided in section 20-192, the carrying of a concealed weapon is expressly forbidden.

(b) In all other cases, it shall be unlawful for a person to go armed with a loaded concealable firearm of any kind or to knowingly carry or transport a concealable firearm in a motor vehicle, provided, however, that this section shall not apply to the following persons:

- (1) Persons lawfully entitled to possess a firearm while upon the premises where he or she **regularly resides or is regularly employed.**
- (2) **Peace officers.**
- (3) Members of the **armed forces** of the United States, the National Guard, or the Reserve Officer Training Corps when on duty or training.
- (4) Persons who for any lawful purpose carry an **unloaded** concealable firearm inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person.
- (5) Persons who for any lawful purpose carry or transport an **unloaded** concealable firearm in a vehicle inside a closed and fastened container or securely wrapped package which is too large to be concealed on the person or inside a cargo or luggage compartment where the concealable firearm will not be readily accessible to any person riding in the vehicle or common carrier.
- (6) Persons in or upon a **shooting range** or the regular business premises of a federally and city licensed firearms dealer.
- (7) Persons engaged in a generally recognized **course of instruction** in the use of firearms, such as hunter safety instructions or instruction for the purpose of obtaining an identification card showing satisfactory completion of the firearm training program as set forth in section 20-207.
- (8) Persons who have verified to the city that they are entitled to a

- waiver of the firearm training program as set forth in section 20-207(k).
- (9) Persons who have **obtained and display an identification card** showing satisfactory completion of the firearm training program as set forth in section 20-207.

(Ord. **No. 33113**, § 7, 11-23-93; Ord. No. 34229, § 1, 6-17-97)

**Sec. 20-207. Firearm training program.**

- (a) A training program to qualify persons in the safe use of firearms shall, after review and approval by resolution by the city council, be established and operated by the city, which may contract with private organizations or use the services of other agencies, or may use a combination of the two, to provide such training. Said resolution shall be submitted to the city council on or before December 21, 1993.
- (b) A fee shall be charged each person attending the training program. The city shall set out a reasonable fee, to be set by the city council, after review and approval by said resolution, which shall include the cost of training, to be paid to the licensed training facility, and to the city.
- (c) An identification card on a form approved by the city shall be issued to each person who successfully completes the training program.
- (d) The training program shall consist of **eight to ten hours of classroom training and education and two hours of practical firearm operation at an approved shooting range.**
- (e) The city shall prescribe such procedures as may be necessary for its operation in conformity with the provisions of this article.
- (f) The city shall have complete control over the training program and shall decide upon the qualifications of all applicants.
- (g) An applicant for the training program shall fill out a form stating his or her full name, social security number (optional), residence, age, whether applicant has ever been convicted of a felony, whether the person is addicted to the use of alcohol or any controlled substance, whether the person has any history of mental illness, and whether the person has ever been convicted of a misdemeanor involving acts of violence.
- (h) The **identification card** shall be valid for three years from the date of issuance.
- (i) The identification card may be renewed every three years provided that:
- (1) The applicant pays a reasonable recertification fee, as set by the city council.
- (2) The applicant has not violated, or is currently charged with violating, any applicable provision of this Code, state law or city ordinance, rule or regulation during the past three years.
- (j) The identification card may be revoked by the city for the violation of any applicable provision of this Code, state law or city ordinance, rule or regulation, or if the identification card was issued to an unqualified applicant.
- (k) Waivers may be granted to those who can provide evidence of satisfactory completion of either a **United States armed forces or a nationally recognized handgun firearms training program.** **(NRA)**

(Ord. No. 33113, § 8, 11-23-93; Ord. No. 34229, § 2, 6-17-97)

**Sec. 20-208. Issuance of identification card.**

Upon successful completion of the firearm training program, an identification card shall be issued with the approval of the city bearing a distinguishing number assigned to the card holder, the full name, date of

birth, sex, residence address, expiration date, and a brief description and colored photograph of the card holder.  
(Ord. No. 33113, § 9, 11-23-93; Ord. No. 34229, § 3, 6-17-97)

Secs. 20-209--20-250. Reserved.

## DIVISION 2. FIREARM REGISTRATION

(ORDINANCE NO. 36045)

Section 20-251. Required.

(a) It shall be **unlawful for any person to own, have possession** of, or maintain control over any **concealable firearm which has not been registered** to said person with the chief of police in accordance with this division, except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

(b) **A corporation**, including a body corporate created by Nebraska statute, may register a concealable firearm in its corporate name. However, the corporation may consent to a person possessing or controlling the corporation's registered concealable firearm only if that person:

- (i) is a part-time or full-time employee of the corporation;
- (ii) is acting within the scope of his or her employment with the corporation; and
- (iii) possesses a current identification card issued pursuant to section 20-208 upon satisfaction of the requirements of section 20-207.

Sec. 20-252. Confiscation of firearm upon conviction of violation.  
As a part of the judgment of conviction of any person under this division, confiscation of a concealable firearm may be ordered by the court.  
(Code 1980, § 20-252)

Section 20-253. Application.

(a) Any person desiring **to register a concealable firearm** shall make an application to the chief of police stating therein that he or she holds the qualifications to register a concealable firearm in accordance with this section.

- (1) Is a **citizen of the United States of America**;
  - (2) Is over the age of **21 years**; and
  - (3) Has never been convicted of a **felony**.
- (b) The application shall inquire as to any record of **mental disorder** or **misdemeanor convictions** of the applicant and the **purpose** of the applicant for acquiring the concealable firearm. The Chief of Police will conduct an

**investigation** to determine if the applicant is qualified to register the firearm. A concealable firearm may not be registered to any person who:

- (1) Is currently the subject of an active **protection order**.
  - (2) Has provided **false information** on the registration request.
  - (3) Has a conviction of an offense listed below which has not been pardoned or set aside under state or federal law:
    - a. Any **felony**;
    - b. Carrying a concealed weapon or being a minor in possession of a concealable firearm;
    - c. Within the previous **5 years**, assault, child abuse, or violation of any provision of Chapter 20, article VII of the Omaha Municipal Code.
  - (4) Has been convicted of any charge of **domestic violence**, including stalking or harassment,
  - (5) Has a record of mental disorder which would show the applicant to be a **danger to self or to others**.
  - (6) Is a **fugitive** from justice in this state or any other jurisdiction.
  - (7) Has been **dishonorably discharged** from the United States Armed Forces.
  - (8) Is a user of, or addicted to, **unlawful controlled substances**.
  - (9) Is not a citizen of the United States.
  - (10) Is under the age of 21 years.
- (c) A registration fee of \$10.00 shall accompany each application made to the Chief of Police for each concealable firearm. The fee will be applied to the administrative costs of processing the application.

**Sec. 20-254. Issuance or denial of permit.**

Upon the filing of an application for registration of a concealable firearm, the chief of police shall issue a permit or deny a permit and furnish the applicant the specific **reasons for the denial in writing**. A failure to furnish the applicant a written denial shall constitute issuance of a permit.

(Code 1980, § 20-254)

Sec. 20-255. Consideration of application by chief of police; custody of firearm pending decision on permit.

The chief of police shall be permitted **seven days** in which to consider an application for registration of a concealable firearm. The chief of police **may take custody of the concealable firearm** in the applicant's possession while the application is under consideration whenever he determines that it is in the best interests of public safety to do so.

(Code 1980, § 20-255)

Sec. 20-256. Disposition of firearm upon denial of permit.

Any person whose application for registration of a concealable firearm is **denied shall have ten days in which to provide for proper registration or other lawful disposition of the concealable firearm**. During this time the chief of police shall maintain custody of the concealable firearm. If the applicant fails to provide for the proper registration or other lawful disposition of the concealable firearm within this time, it shall be presumed that the concealable firearm is an unregistered concealable firearm

and the chief of police may apply to the municipal court for an order of **confiscation.**  
(Code 1980, § 20-256)

Section 20-257. Revocation.

A firearm registration may be revoked when:

- (a) The applicant or registrant fails to hold all of the qualifications set forth in Section 20-253 of the Omaha Municipal Code; or
- (b) The information furnished on the application for a firearm registration was false or misleading or no longer continues to be true.

In the event revocation occurs under the provision of the Omaha Municipal Code, the chief of police shall furnish the registrant with the specific reasons for the revocation in writing.

Sec. 20-258. Appeals.

Any person aggrieved by the denial or revocation of any registration issued under the provisions of this division may appeal therefrom to the Administrative Appeals Board by complying with all of the provision of Section 2-171 et seq. of this Code.

Secs. 20-259—20-272. Reserved