

VILLAGE OF ALANSON
Ordinance No. 4 of 2018

AN ORDINANCE TO AMEND SECTION 130.02 OF THE
ALANSON VILLAGE CODE

THE VILLAGE OF ALANSON ORDAINS:

Section 1. Amendment of Section 130.02.

Section 130.02 of the Alanson Village Code is hereby amended to read as follows:

**§ 130.02 DISCHARGE OF FIREARMS, AIR GUNS, ZIP GUNS, BOWS, AND
CROSSBOWS WITHIN THE VILLAGE LIMITS**

(A). Purpose and Intent. This Section is adopted so that the Village Council of Alanson may promote the public health, safety, and general welfare within the Village through the regulation of the discharge of firearms, air guns, zip guns, bows, crossbows, and similar devices. By prohibiting the discharge of firearms, air guns, and zip guns, and by restricting the discharge of bows and crossbows, the Alanson Village Council seeks to prevent bodily injury, death, property damage, and other nuisances within the Village limits.

(B). Definitions.

(1) General: Words and phrases in this Section shall have meanings set forth in this Section. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Section.

(2) Specific:

(a) Air Gun: means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Air gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

(b) Bow: means a flexible strip of wood or other material, bent by a string stretched between its ends, capable of propelling an arrow.

(c) Crossbow: means a weapon capable of propelling an arrow consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism.

(d) Firearm: means any device designed, made, or adapted to expel a projectile through a barrel by using the energy or force generated by an

explosion or burning substance or any device readily convertible to that use. The term "firearm" includes but is not limited to guns, handguns, machine guns, rifles, shotguns, automatic rifles, revolvers, and pistols.

(e) Person: means an individual, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

(f) Public Place: means any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, and shops.

(g) Public Right-of-Way: means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the Village has an interest.

(h) Target: means an inanimate object capable of safely absorbing an arrow discharged or shot from a bow or crossbow without allowing the arrow to pass completely through the object.

(i) Village: means the municipality of the Village of Alanson, located in Emmet County, Michigan, its agents and assigns.

(j) Village Limits: means the incorporated municipal boundaries of the Village of Alanson.

(k) Zip Gun: means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

(C) Discharge of certain weapons.

(1) No person shall discharge, fire or shoot any firearm within the village limits.

(2) No person shall discharge, fire or shoot any air gun or zip gun within the village limits.

(3) No person shall discharge or shoot any bow or crossbow in any public place, on or across any public right-of-way or onto the property of any other person within the Village limits.

(4) No person shall discharge or shoot any bow or crossbow on private property within the Village limits, except at a target as defined in this Section and when such discharging or shooting can be done without violating subsection (C)(3) above.

(D) Exceptions. Subsection (C) above shall not apply to:

(1) Licensed law enforcement officers, provided that such discharges are made in the course and scope of the law enforcement officer's official duties.

(2) The use of blank cartridges for a theatrical production, a military ceremony, or a sporting event.

(3) Duly designated animal control officers destroying sick, injured, or predatory animals on public or private property.

(4) A person in the lawful exercise of self-defense or the defense of others.

(E) Penalties.

(1) Misdemeanor; penalties. Any person who knowingly violates Subsection (C)(1) or Subsection (C)(3) shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or by imprisonment in the county jail for not more than ninety (90) days.

(2) Municipal Civil Infractions; penalties. Any person who violates Subsection (C)(2) or Subsection (C)(4) shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than \$500.00.

(3) Enforcement Officials. Deputies of the Emmet County Sheriff and village officials designated by the Village Council are hereby authorized to issue municipal civil infraction citations under this Section directing offenders to appear in court.

Section 2. Severability.

If any section, provision or clause of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Ordinance, which can be given effect without the invalid portion or application.

Section 3. Effective Date

This Ordinance shall become effective twenty (20) days after its enactment.

Ordinance No. _____ was adopted on the _____ day of _____, 2018, by the Alanson Village Council as follows:

Motion by: _____
Seconded by: _____
Yeas: _____
Nays: _____
Absent: _____

Chris Adams
Chris Adams, Clerk

Greg Babcock
Greg Babcock, President

I certify that this is a true copy of Ordinance No. _____ that was adopted at a regular meeting of the Alanson Village Council on _____, 2018 and published in the _____ on _____, 2018.

Dated: 2/12/18

Chris Adams
Chris Adams, Clerk