

ORDINANCE #11-8-2012

AN ORDINANCE TO REGULATE THE DISCHARGING OF FIREARMS
WITHIN THE VILLAGE LIMITS OF NASHVILLE

THE VILLAGE OF NASHVILLE ORDAINS:

SECTION 1.

The Village of Nashville believes it to be in the best interest of the citizens of the Village of Nashville that limitations on the discharge of firearms within the Village's boundaries are necessary for the safety and protection of the citizenry, and for the protection of the use of their property without fear of stray bullets crossing over their property.

SECTION 2.

Firearms as defined herein shall mean any handgun, shotgun, rifle or other device which expels a projectile by action of an explosion.

SECTION 3.

- a. It is unlawful for any person to discharge a firearm:
 1. Within four hundred fifty (450) feet of a school, church, daycare, playground, public park or recreation area, or other type of public gathering place.
 2. Carelessly or heedlessly in wanton disregard for the safety of others.
 3. Without due caution or circumspection and in a manner which endangers person or property and results in property damage or bodily injury.
- b. It is unlawful for any person to discharge a firearm on the property of another without the property owner's permission.
- c. It is unlawful to discharge a firearm in a manner resulting in a projectile leaving the property on which it is fired
- d. This section shall not be construed as prohibiting discharge of firearms when used:
 1. In lawful defense of person or property.
 2. By a peace officer lawfully performing his or her duties as a peace officer.
 3. Historical ceremonial or commemoration functions.
 4. By duly designated animal control officers destroying sick, wounded or predatory animals on public or private property.
- e. Nothing herein shall be interpreted to expand the right to discharge a firearm beyond that otherwise provided by state law.

SECTION 4. VIOLATIONS / PENALTIES

Any person violating any provision of this ordinance shall be guilty of a misdemeanor and subject to a fine of not more than \$500 and / or imprisonment for not more than 30 days.

Violators may be subject to a civil penalty of \$500 per violation to be recovered in the nature of debt if not paid within 30 days.

SECTION 5.

All ordinances inconsistent with the provisions of this Ordinance (including Ordinance No. 6-5-1911) are hereby repealed.

SECTION 6.

If any article, section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7.

This Ordinance shall be published in accordance with state law and shall become effective twenty (20) days after its adoption or upon its publication, whichever occurs later.

Motion by Council member Hartwell, seconded by Council member Scramlin that Ordinance # 11-8-2012 be adopted as read.

YEAS: Hartwell, Langman, Scramlin, Zoerman, Courtney, Fisher, Dunham

NAYS: none

ABSENT/ABSTAIN: none

Frank Dunham, President

Cathy Lentz, Village Clerk

I, Cathy Lentz, the Clerk for the Village of Nashville, Barry County, Michigan, hereby certify that the forgoing is a true and accurate copy of an ordinance adopted by the village Council of the Village of Nashville at a regular meeting held on November 8, 2012.

Cathy Lentz, Village Clerk

Adopted: 11-8-2012

Published: 11-10-2012

Effective: 11-30-2012