

ORDINANCE 8 - 22

**AN ORDINANCE AMENDING CHAPTER 549 OF THE PORT CLINTON
CODIFIED ORDINANCES REGULATING WEAPONS AND EXPLOSIVES
AND DECLARING AN EMERGENCY**

WHEREAS, the City of Port Clinton has previously adopted regulations on the use of weapons and explosives in the City, and

WHEREAS, this Council finds and determines that Chapter 549 of the Codified Ordinances regulating the use of weapons and explosives in the City should be updated and amended.

NOW THEREFORE, be it Ordained by the Council of the City of Port Clinton, Ottawa County, State of Ohio:

Section 1. Existing Section 549.08 of the Codified Ordinances is hereby amended to read as follows:

549.08 DISCHARGING FIREARMS.

(a) No person shall lawfully discharge any ~~air-gun~~, rifle, shotgun, revolver, pistol or other firearm within the corporate limits of the Municipality.

(b) This section does not apply when firearms are used in self-defense, in the discharge of official duty or when otherwise lawfully authorized.

(c) Whoever violates this section is guilty of a misdemeanor of the fourth degree. (Ord. 28-19. Passed 12-23-19.)

Section 2. Section 549.12 is hereby enacted to read as follows:

549.12 DISCHARGING AIRGUNS.

(a) As used in this section:

(1) "Airgun" means any air pistol, air rifle, BB gun, pump gun, pellet gun, CO-2 gun, or similar instrument or device capable of discharging ammunition by means of air pressure or spring action.

(2) "Ammunition" means any leaden or metallic projectile, any pellet, or any other substance capable of inflicting injuries to persons or property when used in an airgun.

(b) No person shall discharge an airgun in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another.

(c) No parent, guardian or custodian of any person under the age of eighteen shall knowingly permit any such person under the age of eighteen to discharge an airgun in or on any public place, in or on the property of another, or from any private property into or onto any public place or the property of another.

(d) Any police officer of the City is authorized to confiscate an airgun and ammunition used in violation of this section.

(e) This section does not apply when airguns are used in self-defense, in the discharge of official duty, for purposes of instruction in firearm safety, care, handling or marksmanship under the supervision or control of a responsible adult, or when otherwise lawfully authorized.

(f) Any person who violates this section is guilty of a misdemeanor of the fourth degree.

Section 3. Existing Codified Ordinance Section 549.08 is hereby repealed.

Section 4. Each section and each part of each section of this Chapter of the Codified Ordinances is hereby declared to be an independent Section or part of a Section and, notwithstanding any other evidence of legislative intent, it is hereby declared that if such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or parts of sections and the application of such provision to any other person or circumstances, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Chapter of the Codified Ordinances would have been adopted independently of such Section, Sections, or parts of a Section so held to be invalid.

Section 5. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council, and any of its committees, that resulted in those actions were in meetings open to the public, in compliance with the law.

Section 6. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that regulations on airguns need to be immediately effective to prevent injuries to persons or property within the City, **wherefore**, this ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____, 2022

President of Council

Attest: _____
Clerk of Council

Approved _____, 2022

Mayor