

PART II - CODE OF ORDINANCES
Chapter 16 - MISCELLANEOUS PROVISIONS AND OFFENSES
ARTICLE II. - OFFENSES AGAINST PUBLIC SAFETY
DIVISION 2. WEAPONS

DIVISION 2. WEAPONS

Sec. 16-41. Definition.

For the purposes of this division the following words and phrases shall have the meanings respectively ascribed to them by this section:

Air powered weapon shall mean any paintball gun, BB gun, pellet gun, air rifle or air pistol.

Archery device shall mean any bow, compound bow, crossbow, crossbow pistol or any other device capable of firing an arrow or bolt.

Firearm shall mean any pistol, handgun, rifle or shotgun that fires a projectile through the combustion of gunpowder or propellant.

Indoor archery range shall mean a room, place or enclosure equipped with targets for practice with a bow, compound bow, crossbow, crossbow pistol or any other device capable of firing an arrow or bolt.

Indoor firing range shall mean a room, place or enclosure equipped with targets for practice with any BB gun, pellet gun, air rifle or pistol, gun, pistol or firearm of any description.

Permit holder shall mean the person to which a permit was issued or his guest(s). A person shall be assumed to be a guest if the permit holder is present at the permitted activity and consents to the person's presence or the person has written permission to participate in the permitted activity from the person to which the permit was issued. Written permission must include the name, date of birth and home address of the person being given permission.

Shooting gallery shall be as defined in section 5-51.

(Ord. No. 89-16, § III(7-6-5(A)), 2-14-89; Ord. No. 04-30, § I, 4-27-04)

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

Sec. 16-42. Penalty.

Unless stated otherwise, violations of this division shall be punished as provided in section 1-8.

Sec. 16-43. Discharge of firearms.

Except as otherwise regulated by state law and this division, it shall be unlawful to discharge, other than within an indoor firing range or shooting gallery, within the city limits a firearm of any description without first obtaining a permit from the city manager.

(Ord. No. 89-16, § III(7-6-5(B)), 2-14-89; Ord. No. 99-62, § I, 8-10-99; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-44. Discharge of air powered weapons or archery device.

1. It shall be unlawful to discharge any air powered weapon or archery device on locations zoned other than A agricultural, A-R1 agricultural single family residential or district B-5 business district as part of a business establishment.
2. It shall be unlawful to discharge any air powered weapon or archery device on locations of less than 5 acres in size.
3. It shall be unlawful to discharge an air-powered weapon or archery device in a manner not reasonably likely to contain the fired projectile to the property controlled by the property owner or agent.

(Ord. No. 89-16, § III(7-6-5(C)), 2-14-89; Ord. No. 99-62, § II, 8-10-99; Ord. No. 04-30, § I, 4-27-04; Ord. No. 18-048, § I, 12-18-18)

Sec. 16-45. Discharge of firearm near structures, buildings, roadways.

1. It shall be unlawful for any holder of a permit issued under this division to discharge any firearm within one hundred (100) yards of any occupied residence not owned or controlled by the property owner or his agent.
2. It shall be unlawful for any holder of a permit issued under this division to discharge a firearm on any property less than twenty five (25) acres in size. It is permissible for more than one property owner to join with another property owner in permitting contiguous properties to meet the minimum acreage requirements of this section.
3. It shall be unlawful for any holder of a permit issued under this division to discharge a firearm in a manner not reasonably likely to contain the fired projectile to the permitted property.

(Ord. No. 89-16, § III(7-6-5(E)), 2-14-89; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-46. Exceptions.

Sections 16-43, 16-44 and 16-45 do not apply to:

- a. a peace officer lawfully acting within in the scope of the peace officer's duties;
- b. an authorized agent, officer, employee or representative of a state or federal agency lawfully acting within the scope of that person's duties;
- c. a person acting in self defense;
- d. the discharge of any firearm that does not release a projectile as part of a demonstration at a special event, function or activity, or for signal or ceremonial purposes in athletic events, or by a military organization;
- e. The use of toy bows and soft rubber tipped arrows;
- f. A person acting in defense of livestock or crops.
- g. A discharge in the city's extraterritorial jurisdiction or in an area annexed by the city after September 1, 1981, if the weapon discharged is:
 - (1) A shotgun, air rifle or pistol, BB gun, or bow and arrow discharged:
 - (a) On a tract of land of ten (10) acres or more and more than one hundred fifty (150) feet from a residence or occupied building located on another property; and

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- (b) Discharged in a manner not reasonably expected to cause a projectile to cross the boundary of the tract; or
 - (2) A center fire or rim fire rifle or pistol of any caliber discharged:
 - (a) On a tract of land of fifty (50) acres or more and more than three hundred (300) feet from a residence or occupied building located on another property; and
 - (b) In a manner not reasonably expected to cause a projectile to cross the boundary of the tract.

(Ord. No. 89-16, § III(7-6-5(E)), 2-14-89; Ord. No. 04-30, § I, 4-27-04; Ord. No. 18-048, § I, 12-18-18)

Sec. 16-47. Where permits prohibited.

Permits shall only be issued for locations that are zoned A agricultural or A-R1 agricultural single family residential. No permits shall be issued for areas that do not meet the area or distance requirements of this division.

(Ord. No. 89-16, § III(7-6-5(G)), 2-14-89; Ord. No. 99-62, § III, 8-10-99; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-48. Permits for hunting deer.

It shall be unlawful for a permit holder to hunt deer from an elevation less than 10' higher than the animal being hunted on locations less than 50 acres using a centerfire weapon .22 caliber or greater.

(Ord. No. 89-16, § III(7-6-5(H)), 2-14-89; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-49. Application for permit.

A person wishing to obtain a permit required by this division must file with the city manager's office an application containing the following information:

- (1) The name and address of the applicant;
- (2) A description of the property, including property line dimensions and total acreage of the property where the weapon will be discharged;
- (3) The name of the owner(s) of the property;
- (4) The type of the weapon to be used; i.e. rifle, shotgun or handgun, and whether it is a rimfire or centerfire caliber;
- (5) If the applicant is not the property owner(s), a document evidencing that the applicant has the permission of the owner to use the land; and
- (6) The purpose of discharging the weapon, and the time period requested, not to exceed one (1) year.

(Ord. No. 89-16, § III(7-6-5(I)), 2-14-89; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-50. Police review of application.

Upon receipt of an application for a permit required by this division, the city manager shall immediately forward same to the police department. The police department shall have seven (7) working days in which to review the application to determine whether:

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- (1) Discharging a weapon in the location requested would affect public safety, health, or welfare; and
 - (2) The applicant has been convicted of a felony or falsified the application.
 - (3) The location must meet the minimum area and distance requirements of this division.

(Ord. No. 89-16, § III(7-6-5(J)), 2-14-89; Ord. No. 99-62, § IV, 8-10-99; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-51. Action on application.

Upon receiving the report from the police department, the city manager shall, based upon the police department's findings, act upon the application by either issuing or denying the permit, within 10 working days. If the city manager issues the permit, it shall designate a period that corresponds to the reason the permit is requested, but not to exceed one (1) year.

(Ord. No. 89-16, § III(7-6-5(K)), 2-14-89; Ord. No. 99-62, § V, 8-10-99)

Sec. 16-52. Possession, display of permit.

Approved permits issued under this division shall be carried on the permit holder's person at any time a firearm or other weapon is discharged or carried on the location that the permit describes, and shall be shown upon the demand of any peace officer.

(Ord. No. 89-16, § III(7-6-5(L)), 2-14-89)

Sec. 16-53. Revocation of permits.

- (a) A permit issued under this division may be seized by any police officer, and may be revoked by the chief of police, if:
 - (1) The permit holder fails to show the permit to a police officer upon request; or
 - (2) Complaints from an adjacent property owner or a law enforcement officer are received that allege unsafe weapon handling or discharge; or
 - (3) The permit holder is carrying or discharging a firearm of a type not specifically indicated on the permit; or
 - (4) The landowner requests revocation of all or specific permits issued for his land; or
 - (5) Violations of any of the restrictions in this division occur.
- (b) If the chief of police revokes a permit issued hereunder, he shall send to the permit holder, by certified mail, return-receipt requested, written notice of the revocation, the reason therefore, and the right to appeal.
- (c) The chief of police shall send a copy of the written notice of revocation to the city manager, who shall provide copies of such notice to the city council.
- (d) A permit holder who has his permit revoked shall not be issued another permit under this division for a period of ninety (90) days from the date of revocation for the first revocation and for a period of one year for any subsequent revocation.

(Ord. No. 89-16, § III(7-6-5(M)), 2-14-89; Ord. No. 04-30, § I, 4-27-04)

Sec. 16-54. Appeals procedure.

- (a) A permit applicant or holder may appeal the denial or revocation of a permit hereunder to the city council subject to the following requirements:
 - (1) The appeal must be in writing and filed with the city manager's office within five (5) working days of the denial or revocation action;
 - (2) The appeal must clearly set out the basis of such appeal;
 - (3) The hearing shall be scheduled for the next regular city council meeting no earlier than ten (10) days after receipt of the appeal from the city council to evaluate all evidence and testimony regarding the permit denial or revocation and appeal.
- (b) The city council shall formally act upon the appeal at the meeting and the city council's decision shall be binding on all parties.

(Ord. No. 89-16, § III(7-6-5(N)), 2-14-89; Ord. No. 99-62, § VI, 8-10-99)

Secs. 16-55—16-60. Reserved.