

ORDINANCE NO. 94-12-B

AN ORDINANCE TO PROHIBIT THE DISCHARGE OF FIREARMS EXCEPT UNDER CERTAIN CIRCUMSTANCES WITHIN THE CORPORATE LIMITS OF ELM SPRINGS, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, the discharge of firearms within the corporate limits constitute a hazard to the citizens of Elm Springs; and

WHEREAS, the City Council feels it is necessary to take steps to curb this potentially dangerous situation;

NOW, THEREFORE BE IT ORDAINED AND ENACTED by the City Council of Elm Springs, Arkansas:

SECTIONS:

1. Definitions
2. Discharging
3. Target Shooting
4. Penalty
5. Severability
6. Emergency Clause

SECTION 1: Definitions.

- (a) "Firearm" means any device designed, made or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use including such a device that is not loaded or lacks a clip or other component to render it immediately operable, being components that can readily be assembled into such a device.
- (b) "Shooting range or Gallery" means an area either enclosed or out of doors at which firearms are discharged at targets and which is designed so that projectiles fired from firearms at targets are prevented by means of backstops or other barriers, from going beyond the boundaries of the area.
- (c) "Agricultural Zone" means that district as provided for, defined and designated under Ordinance No. _____ of the City of Elm Springs, Arkansas, as amended.
- (d) "Occupiable Structure" shall mean a vehicle, building or other structure where any person lives or carries on a business or other calling or where people assemble

for purposes of business, government, education, religion, entertainment or public transportation or which is customarily used for overnight accommodations of persons whether or not a person is actually present.

SECTION 2: Discharging. No firearm may be discharged within the corporate limits of the City of Elm Springs, Arkansas, except under the following exceptions and circumstances:

- (a) When employed to prevent the commission of a felony involving force or violence or to protect one's self or other person against the use of unlawful deadly physical force, as allowed by Arkansas law.
- (b) By law enforcement officers in the performance of their official duties;
- (c) At public or private shooting ranges or galleries; or,
- (d) By persons lawfully engaged in hunting or pest control or protection of crops and then only using a shot gun employing number four (4) shot or above and only in an area zoned as agricultural under Ordinance No. _____, and under such other circumstances in which no shot gun is discharged within three hundred (300) feet of the center line of a public road or street or within three hundred (300) feet of any occupiable structure or if such person knows or reasonably should know that injury to persons or damage to property may result and under such additional circumstances that the projectile or projectiles do not leave the boundaries of the property upon which it has been employed.

SECTION 3: Target Shooting. B.B guns, pellet rifles and air pistols shooting a single .77 caliber projectile may be used only for target shooting on private property with the consent of the owner or lawful occupant of such property as long as the projectile does not leave the boundaries of the property and adequate backstops are set.

SECTION 4: Penalty. Any person, firm or corporation found guilty of violating any provision of this chapter may be fined not less than Fifty Dollars (\$ 50.00); nor more than One Hundred Dollars (\$100.00) for each offense and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

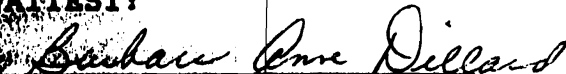
SECTION 5: Severability. The provisions of this Ordinance are hereby declared to be severable. If any section, paragraph, sentence, or clause of this Ordinance shall be held invalid, the invalidity of such Section, paragraph, sentence, or clause shall not effect the validity of the remaining portion of the Ordinance.

SECTION 6: Emergency Clause. This Ordinance is necessary to preserve the public peace, health, safety and welfare, and because of such an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its passage and approval.

PASSED AND APPROVED this 5th day of Dec., 1994.


THOMAS LUNDSTRUM, SR., MAYOR

ATTEST:


BARBARA ANN DILLARD
CLERK/RECORDER/TREASURER