

Town of Melbourne Village

ORDINANCE 2014-03

AN ORDINANCE BY THE TOWN COMMISSION AMENDING THE TOWN OF MELBOURNE VILLAGE CODE OF ORDINANCES TO REPEAL CHAPTER 12 OFFENSES, SECTION 12-21 FIREARMS AND WEAPONS GENERALLY; TO ADOPT A NEW CHAPTER 12 OFFENSES, SECTION 12-21 PROJECTILE WEAPONS GENERALLY; PROVIDING FOR APPLICABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED by the Town Commission of the Town of Melbourne Village that:

SECTION 1. Chapter 12, Offenses, Section 12-21 Firearms and Weapons Generally is hereby repealed in its entirety.

SECTION 2. There is hereby created a new Chapter 12, Offenses, Section 12-21 Projectile Weapons Generally, as follows:

SECTION 12-21 PROJECTILE WEAPONS GENERALLY

- 1) It shall be unlawful to discharge in the Town of Melbourne Village projectile weapons which term shall include but shall not be limited to air rifles, dart guns, pellet guns, bows and arrows, sling shots, and other devices forcefully emitting projectiles with sufficient force to produce bodily harm, in any manner in which the projectile crosses the property line to another owner's property, public land or right-of-way, or parkland.
- 2) No use of a projectile emitting weapon shall be permitted without the permission of the owner of the property on which it takes place.
- 3) No use of a projectile emitting weapon shall be permitted on public streets, public rights of way, or public land except with the explicit permission of the Town Commission.
- 4) This section does not apply to the use of firearms as defined and regulated by State law.

NOTE: State law addresses the use of certain projectile weapons by certain under-age individuals. This section is in addition to those requirements.

SECTION 3. APPLICABILITY.

For the purposes of jurisdictional applicability, this ordinance shall apply within the town limits of the Town of Melbourne Village.

SECTION 4. CONFLICTS

Any and all ordinances and regulations in conflict herewith are hereby repealed to the extent of any conflict.

SECTION 5. INCLUSION INTO THE CODE OF ORDINANCES.

It is the intent of the Town Commission that the provisions of this ordinance shall become and be made a part of The Town of Melbourne Village's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

SECTION 7. EFFECTIVE DATE.

This ordinance shall take effect immediately following final adoption.

PASSED on first reading September 15, 2014.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the Town Commission of the Town of Melbourne Village, upon second and final reading this 28th day of October, 2014.

((Original Signed))

Robert E. Downey
Mayor

ATTEST:

_____ **((Original Signed))** _____

Gail E. Griswold,
Town Clerk/Treasurer