

ORDINANCE NO. 2024 - 04

**CITY OF ST. CLAIR
COUNTY OF ST. CLAIR, MICHIGAN**

AN ORDINANCE OF THE CITY OF ST. CLAIR, ST. CLAIR COUNTY, MICHIGAN TO AMEND CHAPTER 38 "OFFENSES," ARTICLE IX "OFFENSES AGAINST PUBLIC SAFETY," SECTION 227 "RECKLESS, WANTON USE OR NEGLIGENT DISCHARGE OF FIREARM" TO ADOPT A GENERAL PROHIBITION ON THE DISCHARGE OF FIREARMS IN THE CITY.

THE CITY OF ST. CLAIR ORDAINS:

SECTION 1. AMENDMENT.

Sec. 38-227 - Discharging firearms, air guns, etc.; penalty; transporting air guns, spring guns, and similar devices in vehicles; possessing, displaying toy guns, starter pistols, blank guns or similar devices.

(a) No person shall discharge any firearm, spring gun, slingshot, bow and arrow, or other device capable of, or designed to discharge any shot, pellet, or missile likely to inflict bodily injury, in the city, except when lawfully acting in the defense of persons or property or in the enforcement of law or at a duly established range, the operation of which has been approved by the city council. Bow and arrow instruction is allowed at an approved site under the supervision of a qualified instructor as both part of the curriculum of an accredited education system and with appropriate indemnification of the city that has been approved by the city attorney. This subsection shall not prohibit the discharge of pneumatic guns at authorized target ranges; on other property where firearms may be discharged; or, on or within private property with the permission of the owner or possessor of that property, if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

(b) Transporting or possessing firearms.

(1) Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle, aircraft, motorboat, sailboat or any other vehicle propelled by mechanical means either of the following:

a. A firearm, other than a pistol, that is loaded.

b. A pneumatic gun that is loaded and expels a metallic BB or metallic pellet greater than .177 caliber.

(2) Except as otherwise permitted by law, a person shall not transport or possess in or upon a motor vehicle or any self-propelled vehicle designed for land travel either of the following:

a. A firearm, other than a pistol, unless the firearm is unloaded and is one or more of the following:

1. Taken down.

2. Enclosed in a case.
3. Carried in the trunk of the vehicle.
4. Inaccessible from the interior of the vehicle.

b. A pneumatic gun that expels a metallic BB or metallic pellet greater than .177 caliber unless the pneumatic gun is unloaded and is one or more of the following:

1. Taken down.
2. Enclosed in a case.
3. Carried in the trunk of the vehicle.
4. Inaccessible from the interior of the vehicle.

c. No person shall possess or show or display a gun, a toy gun, starter pistol, blank gun, or devices of similar nature in a non-threatening manner, but with the intent to convey the impression to a person that the gun, toy gun, starter pistol, blank gun or similar device is actually a lethal weapon capable of causing a reasonable person to believe that the person possessing said object is armed with a dangerous weapon.

d. No person under 18 years of age shall use or possess any handgun designed and manufactured exclusively for propelling BB's not exceeding .177 caliber by means of spring, gas or air, outside the curtilage of his domicile unless he is accompanied by a parent, legal guardian, or their designee.

State Law reference— Firearms and weapons, MCL §28.421 et seq., MCL §750.222 et seq.; limited preemption of local regulation of pistols, firearms, pneumatic guns and ammunition, MCL §123.1101 et seq.

SECTION 2. SEVERABILITY.

This Ordinance and each of the various parts, sections, subsections, sentences, phrases, and clauses hereof are declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable by a court of competent jurisdiction, it is hereby provided that the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

SECTION 3. REPEAL OF ORDINANCES IN CONFLICT HEREWITH.

Any and all Ordinances of the City of St. Clair or any parts or provisions thereof, to the extent that they are contrary to or inconsistent with the provisions of the within Ordinance, are hereby expressly repealed.

SECTION 4. RATIFICATION.

All other provisions of the code of Ordinances of the City of St. Clair, Michigan except as herein modified or amended are hereby expressly ratified and affirmed.

SECTION 5. PUBLICATION.

This Ordinance shall be published in accordance with the terms, provisions, and requirements of the City Charter of the City of St. Clair, Michigan, and in accordance with and to the extent required by the statutes of the State of Michigan.

SECITON 6. EFFECTIVE DATE.

This Ordinance shall take effect upon publication in accordance with the provisions and requirements of the City Charter of the City of St. Clair.

ORDINANCE DECLARED ADOPTED.

William Cedar, Jr., Mayor
City of St. Clair, Michigan

CERTIFICATION

The foregoing is a true and complete copy of an Ordinance adopted by the City Council of the City of St. Clair, County of St. Clair, State of Michigan, at a regular meeting of the City Council held on the 18th day of March, 2024, and public notice of said meeting was given pursuant to and in accordance with the requirements of Act No. 267 of the Public Acts of 1976, as amended, being the Open Meetings Act, and the minutes of said meeting have been or will be made available as required by said Act.

Members Present: Cedar, Gottler, Kuffa, LaPorte, Paul, Volz, Watt
Members Absent: None

It was moved by Member Kuffa and supported by Member LaPorte to adopt the Ordinance.

Members voting yes: Volz, Watt, Gottler, Kuffa, LaPorte, Paul, Cedar
Members voting no: None

The Ordinance was declared adopted by the Mayor and has been recorded in the Ordinance Book of the City of St. Clair.

Annette M. Sturdy, City Clerk
City of St. Clair, Michigan

INTRODUCED: March 4, 2024
ADOPTED: March 18, 2024
PUBLISHED: March 22, 2024
EFFECTIVE: March 22, 2024