

ORDINANCE NO. L-219

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; **DELETING ALL ORDINANCES RELATING TO THE REGULATION OF FIREARMS AND AMMUNITION**, INCLUDING THE PURCHASE, SALE, TRANSFER, TAXATION, MANUFACTURE, OWNERSHIP, POSSESSION, STORAGE AND TRANSPORTATION THEREOF, IN ACCORDANCE WITH FLA. STAT. S. 790.33; AMENDING SECTION 2-277(2); AMENDING SECTIONS 9-30(72), 9-30(92), 9-30(108), AND 9-30(247); REPEALING SECTION 11-15; REPEALING SECTION 11-16; REPEALING SECTION 11-18; REPEALING SECTION 12-8; AMENDING SECTION 22-34.1(b)(6)(1); REPEALING ALL OTHER PROVISIONS IN THE CODE, NOT OTHERWISE EXPRESSLY ADDRESSED, WHICH RELATE TO THE REGULATION OF FIREARMS AND AMMUNITION; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Fla. Stat. s. 790.33 provides that the Florida Legislature declares its intent to preempt all local regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation thereof; and

WHEREAS, Fla. Stat. s. 790.001(6) defines "firearm" as: Any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon, any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime.

WHEREAS it is the intent of the City Commission to herein expunge all provisions in the Fort Pierce Code of Ordinances regulating firearms and ammunition, including their purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transfer, in compliance with Fla. Stat. s. 790.33.

NOW, THEREFORE, BE IT ORDAINED by the City Commission of the City of Fort Pierce as follows:

SECTION 1: Section 2-277, Proclamation - Imposition of regulations, Paragraph (2), is hereby amended so that the same shall read hereinafter as follows:

(2) Closing of business establishments. To order the closing of any business establishments anywhere within the City for the period of the emergency, such businesses to include, but not be limited to those selling intoxicating liquors, cereal malt beverages or gasoline. ~~or firearms.~~

SECTION 2. Section 9-30, Fees, is hereby amended so as to delete any and all references to firearms and related devices, by amending Subsections (72), (92), (108), and (247) as follows:

(72) Reserved ~~DEADLY WEAPONS. See Firearms. (Sale of brass knuckles, bowie knives, dirk knives, etc., to minors is forbidden by state law.)~~

(92) Reserved FIREARMS: ~~See also: Gunsmith~~

~~a. Sale of shotguns, revolvers and other legitimate weapons..... 115.50~~

~~b. With other license..... 23.10~~

~~Federal firearms permit required~~

(108) Reserved GUNSMITH. ~~See Machine and Repair Shops.~~

(247) Reserved WEAPONS. ~~See Firearms.~~

SECTION 3. Section 11-15 is hereby repealed and shall have no further force or effect whatsoever, as follows:

~~Sec. 11-15. Weapons - Carrying concealed~~

~~It shall be unlawful for any person to carry on or about the person any concealed firearm or dangerous weapon other than an ordinary pocket knife containing a blade not longer than four (4) inches.~~

SECTION 4. Section 11-16 is hereby repealed and shall have no further force or effect whatsoever, as follows:

~~Sec. 11-16. Same - pointing, firing, etc.~~

~~It shall be unlawful for any person to point a gun or other firearm at any person, or discharge any firearm, except in self defense, or case of eminent danger, or in the performance of duty.~~

SECTION 5. Sec. 11-18 is hereby repealed and shall have no further force or effect whatsoever, as follows:

~~Sec. 11-18. Molotov cocktails and incendiary missiles.~~

~~(a) No person shall make, carry, possess or use any type of Molotov cocktail, gasoline or petroleum base fire bomb or other incendiary missile.~~

~~(b) "Molotov cocktail" shall mean a gasoline or other inflammable liquid-filled bottle or container with a fuse or wick for ignition inserted in the neck.~~

SECTION 6: Section 12-8 is hereby repealed and shall be of no further force or effect whatsoever, as follows:

~~Sec. 12-8. Firearms.~~

~~No person shall carry, use or possess firearms of any description, air rifles or pistols, spring guns, bows and arrows or any other form of weapon whether real or merely replica or~~

~~toys which are potentially hostile to wild life and dangerous to human safety on or in a park area or property except where such items are used in a program sponsored by a unit of the city or county government. Persons on the beaches engaged in scuba diving activities are exempted from this section.~~

SECTION 7. Section 22-34.1, Heavy Industrial Zone, Paragraph 22-34.1(b)(6)(1) is hereby amended so that the same shall read hereinafter as follows:

(1) Fabricated metal products ~~(except ammunition and ordnance)~~.

SECTION 8. Any and all provisions in the Code of Ordinances relating to the purchase, sale, transfer, taxation, manufacture, ordinance, possession, storage and transportation of firearms or ammunition, as defined by Fla. Stat. s. 790.001 are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 9. All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

SECTION 10. This ordinance is and the same shall become effective immediately upon final passage hereof.

PASSED - September 19, 2011