

CITY OF ORCHARD LAKE VILLAGE

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND 9.06.00 OFFENSES, ARTICLE X. WEAPONS.

THE CITY OF ORCHARD LAKE VILLAGE ORDAINS:

The City Code, 9.06.00 OFFENSES, ARTICLE X. WEAPONS shall be amended as follows:

**ARTICLE X. - WEAPONS**

**9.06.159 - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*"Brandish" means to point, wave about, or display in a threatening manner with the intent to induce fear in another person.*

**State Law reference - MCL §750.222(c)**

*"Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.*

**State Law reference - MCL §750.222(e)**

*"Pneumatic gun" means any implement, designed as a gun that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.*

**State Law reference - MCL §750.222(g)**

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

**9.06.160 - Persons exempt.**

Police officers, peace officers and persons in the military service, in pursuit of official duty, and persons duly authorized by federal or state law to carry firearms, are exempt from the provisions of this division.

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

#### **9.06.161 - Confiscation of firearms.**

All weapons, guns, pistols, firearms, knives, dirks, razors, stilettos, or any other sharp-edged or pointed instruments, or weapons carried, possessed or used contrary to this division are hereby declared forfeited to the city.

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

#### **9.06.162 - Discharge.**

No person shall discharge any firearm, air rifle, air pistol, or pneumatic gun in the city, except when lawfully acting in the defense of persons or property or the enforcement of law or at a duly established range, the operation of which has been approved by the commission.

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

#### **9.06.163 - Possession.**

(a) No person shall, except as provided in subsection (b) of this section, possess a firearm or pneumatic gun on the premises of any of the following:

- (1) A depository financial institution or a subsidiary or affiliate of a depository financial institution.
- (2) A church or other house of religious worship.
- (3) A school.
- (4) A court.
- (5) A theater.
- (6) A sports arena.
- (7) A day care center.
- (8) A hospital.
- (9) An establishment licensed under the state liquor control act, Act No. 8 of the Public Acts of the State of Michigan of 1933, Extra Session (MCL 436.1 et seq.).

(b) This section does not apply to any of the following:

- (1) A person who owns or is employed by or contracted by an entity described in subsection (a) of this section if the possession of that firearm is to provide security services for that entity.
- (2) A peace officer.

- (3) A person licensed by this state or another state to carry a concealed weapon.
- (4) A person who possesses a firearm in a school for purposes of providing or receiving instruction in firearms safety.
- (5) A person who possesses a firearm on the premises of an entity described in subsection (a) of this section if that possession is with the permission of the owner or an agent of the owner of that entity.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$100.00 or both.

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

**9.06.164 – Transporting a loaded firearm or pneumatic gun in a vehicle.**

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

- (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.

A person who violates this section is guilty of a 90 day misdemeanor.

**State Law reference - MCL §750.227c**

**9.06.165– Transporting an unloaded firearm or a pneumatic gun in a vehicle.**

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, or
  - (b) A pneumatic gun that expels a metallic BB or metallic pellet greater than .177,
- unless the firearm or pneumatic gun is one or more of the following:

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

A person who violates this section is guilty of a 90-day misdemeanor.

**State Law reference - MCL §750.227d**

#### **9.06.165 - Brandishing.**

(a) No person shall, except as provided in subsection (b) of this section, knowingly brandish a firearm in public.

(b) Subsection (a) of this section does not apply to any of the following:

(1) A peace officer lawfully performing his duties as a peace officer.

(2) A person lawfully engaged in hunting.

(3) A person lawfully engaged in target practice.

(4) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.

(c) A person who violates this section is guilty of a misdemeanor punishable by imprisonment for not more than 90 days or a fine of not more than \$500.00 or both.

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

#### **9.06.166 - Intentionally aiming a firearm without malice.**

It shall be unlawful for any person to intentionally, without malice, point or aim any firearm at or toward any other person.

#### **State law reference – Similar provisions, MCL §750.233**

#### **9.06.167 Hunting within city prohibited**

It shall be unlawful for any person within the city to hunt wild game, or in any manner carry any gun, **weapon** or firearm within the city for the purpose of hunting any wild game or fowl at anytime.

*(ord. no. 9.06[A] eff. Feb. 5, 2012)*

**State law reference—** Game law, MCL 311.1 et seq.

#### **9.06.168 - Possession of knives, etc.**

It shall be unlawful for any person to have in his possession or control, except within his own domicile, or carry or use in any manner any knife with a blade in excess of three inches, dagger, dirk, razor, stiletto or any other sharp-edged or pointed instrument; provided, however, that such person shall not be in violation of this section if:

(1) His possession of such bladed **weapon** is necessary for his employment, trade or occupation;

(2) He is engaged in or is proceeding to or returning from a place of hunting, trapping or fishing and whenever required, is also carrying a currently valid license issued to him by the state department of conservation;



- (3) Such person is a duly enrolled member of the Boy Scouts of America or a similar organization or society and such possession is necessary to participate in the activities of such organization or society; or
- (4) Such bladed weapon is required under circumstances that tend to establish that its possession is for a lawful purpose.

(ord. no. 9.06[A] eff. Feb. 5, 2012)

**State law reference—** Carrying firearm or dangerous weapon, MCL 750.226.

**9.06.169—9.06.178 - Reserved.**

Ordained this 16<sup>th</sup> day of, November 2015, but to become effective upon publication in a newspaper of general circulation within the City of Orchard Lake Village.

  
Gerry McCallum, Director

  
Rhonda McClellan, City Clerk

I, Rhonda McClellan, City Clerk of the City of Orchard Lake Village, do hereby certify that the foregoing ordinance was passed by the Council of the City of Orchard Lake Village, Michigan at a regular meeting held November 16, 2015 and that a summary was published December 2, 2015 2015.

  
Rhonda McClellan, City Clerk

First Reading - 10/19/15

Second Reading - 11/10/15

Publish Date: 12/2/15

Effective date: 12/12/15