

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 3, OFFENSES AGAINST
PUBLIC SAFETY, SECTION 50-81, DISCHARGE OF FIREARMS, OF CHAPTER 50,
OFFENSES AND MISCELLANEOUS PROVISIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 50 shall be amended as follows:

CHAPTER 50. OFFENSES AND MISCELLANEOUS PROVISIONS.

ARTICLE 3. – OFFENSES AGAINST PUBLIC SAFETY.

Sec. 50-81. - Discharge of firearms and pneumatic guns.

- (a) *Purpose.* The purpose of this section is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the city by the regulation of the use of pneumatic guns, pistols, firearms, bows and arrows, cross bows, and other devices capable of expelling a projectile in the city and the approval of pistol and other firearms ranges.
- (b) *Definitions.* As used in this section:
1. *Approved range* means a range for the shooting of pistols and other firearms, constructed in such manner as to prevent the projectile from any weapon so fired on such range from exceeding the physical limits of such range.
 2. *Building, structure and edifice* mean a space within walls and usually, but not necessarily, covered with a roof.
 3. *Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
 4. *Pistol* means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
 5. *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.
 6. *Bow* means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.
 7. *Crossbow* means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.
 8. *Other device capable of expelling a projectile* means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet or other mass by means of springs, rubber, elastic strip, levers or other mechanical devices.
- (c) *Discharge of pistols and other firearms prohibited; exceptions.* No person shall discharge a pistol or other firearm in or into the city except as follows:

- (1) An authorized officer of the law may discharge a pistol or other firearm in the performance of his official duties.
 - (2) When permitted by law, a person may discharge a pistol or other firearm for the protection of a human life.
 - (3) A person may discharge a shotgun with a load of shot shell only for skeet, trap or target practice purposes in a safe manner upon a range which has been approved by the council for such purpose.
 - (4) A person may discharge a shotgun for the hunting of game and birds in season as prescribed by the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.) in those areas owned by the state and controlled by the state department of environmental quality or state department of natural resources.
 - (5) A person may discharge a shotgun at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).
- (d) *Firearms ranges.* No pistol or other firearms practice range may be used in the city unless approved by the council upon the recommendation of the director of the department of public safety; provided, however, that such range is so constructed as to prevent the discharge of a shotgun with a load of shot shell from exceeding the limits of such range. Use of a firearm other than a shotgun with a load of shot shell shall be grounds for withdrawal of the approval for such range.
- (e) *Minors.* No person under the age of 17 years shall discharge a pistol or other firearm in the city unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 17 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 17 years shall control such minor and prevent him from violating or attempting to violate any of the provisions of this section.
- (f) *Possession of pneumatic gun, bow, crossbow, or, other device capable of expelling a projectile by individual below the age of 16.* An individual below the age of 16 may not possess a pneumatic gun bow, crossbow, or, other device capable of expelling a projectile unless he or she is under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an individual below the age of 16 may possess a pneumatic gun on or within private property within the city if the individual below the age of 16 is authorized to possess the pneumatic gun by a parent or guardian and the property owner or legal possessor of the property.
- (g) *Discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile prohibited; exceptions.* The discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is prohibited in any area within the city that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that the discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is not prohibited within the city 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.

- (h) No person may point, wave about, or display a pneumatic gun, bow and arrow, crossbow, or, other device capable of expelling a projectile in a threatening manner with the intent to induce fear in another individual within the city.

Dated: March 8, 2016

Peter J. Strazdas, Mayor

FIRST READING: February 23, 2016

SECOND READING: March 8, 2016

ORDINANCE #: 16-03

EFFECTIVE DATE: March 31, 2016