

ORDINANCE NO. 16-22

AN ORDINANCE OF THE CITY OF TREASURE ISLAND, FLORIDA, AMENDING CHAPTER 22 – OFFENSES OF THE CITY’S CODE, CREATING SECTION 22-2 REGULATING USE OF WEAPONS; PROVIDING FOR SEVERABILITY; CONFLICT; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, the unregulated use of crossbows, slingshots, boomerangs, bows and arrows, air guns, and other similar weapons in the City pose a threat to wildlife and general public safety; and

WHEREAS, it is in the interest of the public health, safety and welfare to regulate the use of crossbows, slingshots, boomerangs, bows and arrows, air guns, and other similar weapons in the City; and

WHEREAS, air guns and pellet guns are not considered firearms pursuant to Florida law; and

WHEREAS, the City is not preempted by State law from imposing regulations on the use of certain weapons; and

WHEREAS, the City does not intend to regulate discharge of firearms with this Ordinance, which are regulated by Section 790.15 of the Florida Statutes; and

NOW, THEREFORE, THE CITY OF TREASURE ISLAND DOES ORDAIN:

SECTION 1. Chapter 22 “Offenses”, of the City of Treasure Island Code of Ordinances, is hereby amended to add section 22-2, “Use of weapons prohibited” to read as follows:

22- 2 Use of weapons prohibited

- (a) It shall be unlawful for any person to discharge any air gun or weapon from which a projectile is propelled by action of compressed air, the expansion of gas or a spring, or other mechanical means, or to discharge or shoot any cross bow, slingshot, bow and arrow or boomerang or to utilize any other similar weapon harmful or dangerous to wildlife or dangerous to human safety within any the City owned or managed land except in defense of person or property.
- (b) This section shall not be construed to prohibit the discharge of such weapons in the operation of properly licensed shooting galleries, on properties expressly approved for hunting by the Florida Fish and Wildlife Conservation Commission or Division of Forestry, or to a person spear fishing in any area where such activity has been designated as permissible either by the City, the State or the Federal government.
- (c) This section shall not be construed to conflict with Chapter 790 of the Florida Statutes. The term “weapon” used herein does not include any weapon which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.

(d) Any person violating the terms of this section shall be subject to punishment as provided in section 1-15.

SECTION 2. SEVERABILITY.

It is declared to be the intent of the City Commission that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 3. CONFLICT.

All ordinances or portions of ordinances in conflict with or inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. CODIFICATION.

Section 1 of this Ordinance shall be codified in the Code of Ordinances for the City of Treasure Island, Florida. The codifier is authorized to make editorial changes not affecting the substance of this Ordinance in the substitution of "article" for "ordinance", "section" for "paragraph", or otherwise take such editorial license.

SECTION 5. This Ordinance shall take effect immediately upon its final passage.

FIRST READING: 15th of November, 2016

PUBLISHED: 25th of November, 2016 in the Tampa Bay Times

SECOND READING AND PUBLIC HEARING: 6th of December, 2016

Robert Minning, Mayor

ATTEST:

Tiffany Makras, City Clerk

Approved as to form and content:

Jennifer R. Cowan, City Attorney