

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF HOLLY SPRINGS, GEORGIA, AS AMENDED, TO AMEND SECTION 46-5. – DISCHARGING FIREARMS, AIR GUNS, BB GUNS, TOY GUNS; CHAPTER 46 – OFFENSES AND MISCELLANEOUS PROVISIONS OF THE CITY OF HOLLY SPRINGS, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**The Council of the City of Holly Springs hereby ordains that:**

**Section 1.** That Section 46-5 of Chapter 46 – Offenses and Miscellaneous Provisions of the Code of the City of Holly Springs, Georgia, as amended, is hereby deleted and replaced as follows:

**Sec. 46-5. –Discharging firearms, air guns, BB guns.**

- (a) No person shall discharge any gun, pistol or other firearm within 50 yards of any street, alley or building, or at any point upon the land of another person without the express consent of the owner or occupant thereof, or discharge at any time any air gun, or BB gun.
- (b) This section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty; nor to any citizen from discharging a firearm when lawfully defending person or property.

**Section 2.** If any Section, sub-section, sentence, clause, phrase or any portion of this Ordinance be declared invalid or unconstitutional by any court or competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid. It is hereby declared to be the intent of the City Council to provide for separable and divisible parts and does hereby adopt any and all parts hereof as may not be held invalid for any reason.

**Section 3.** This Ordinance shall become effective immediately upon approval by the Mayor and City Council.

SO ORDAINED, this 21<sup>st</sup> day of July, 2014.

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Timothy B. Downing, Mayor

Attest:

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Karen Norred, City Clerk  
(Seal)