

ORDINANCE NO. C-11-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AMENDING SECTION 16-52, DISCHARGE OF FIREARMS, SECTION 15-57, LOCAL BUSINESS TAX, INDOOR FIREARMS RANGE, SECTION 15-204, SECOND HAND DEALERS, SECTION 47-18.18, INDOOR FIREARMS RANGE, AND SECTION 26-202.1, PARADE AND PUBLIC ASSEMBLY PROHIBITIONS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR COMPLIANCE WITH FLORIDA HOUSE BILL 45, REGULATION OF FIREARMS AND AMMUNITION, AND FURTHER PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted House Bill 45 which takes effect on October 1, 2011 and preempts the whole field of regulation of firearms and ammunition, including purchase, sale, transfer, taxation, manufacture, ownership, possession, storage and transportation to the State; and

WHEREAS, the City has certain ordinance sections that require amendments to comply with House Bill 45;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That Section 16-52, "Discharging Firearms", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 16-52. - Discharging firearms.

It shall be unlawful for any person to discharge any kind of firearms, including air rifles and air pistols (commonly known as BB guns) within the corporate limits of the city except as permitted under F.S. § 790.25(3) and F.S. § 790.33.

SECTION 2. That Chapter 15, Article II, "Local Business Tax", Section 15-57, "Amount of tax to be paid", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to delete indoor firearms range, 4116.00, tax amount of \$105.00.

SECTION 3. That Chapter 15, Article VI, "Second Hand Dealers", Section 15-204(a), "Holding period", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 15-204. - Holding period.

(a) Gold, silver, platinum, or other precious metal and jewelry, diamonds, gems and other precious stones shall be held by the secondhand dealer for a period of ten (10) working days prior to sale, exchange, or other disposition thereof. All other property covered by this article, except for firearms and ammunition acquired in the course of a secondhand dealer's business shall be held for a period of twenty (20) working days prior to disposition thereof; provided, however, that the provisions of this subsection shall not be applicable when the person known by the secondhand dealer to be the person who submitted any article desires to redeem, repurchase, or recover such article at any time within the required hold period. This section does not apply to the sale, exchange, or any other disposition of a firearm. Any sale, exchange, or other disposition of a firearm shall be governed by F.S. §539.001(9)(c).

SECTION 4. That Chapter 47, Article III, "Development Requirements", Section 47-18, "Specific Use Requirements", Section 47-18.18 "Indoor firearms range", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 47-18.18. - Indoor firearms range.

A. Any indoor firearms range shall comply with the following conditions and restrictions and will be reviewed and approved by the City's police department:

~~1. Review and approval by the city's police department.~~ 2.1. It shall be located in a completely enclosed building.

~~3.2.~~ It shall be adequately soundproof so that no noise from such range shall emanate outside the building in which it is located.

~~4.3.~~ It shall be adequately air conditioned.

~~5.4.~~ Its construction shall comply with the all local, state and federal safety specifications for such ranges, as approved by the police department prior to the issuance of a certificate of occupancy by the building department required for indoor ranges prior to the issuance of a certificate of occupancy by the city's building department.

~~6.5.~~ At all times it shall have in attendance at least one (1) employee, trained in the use of firearms, who shall be responsible for seeing that the operation of the range and firearms used therein are in accordance with accepted safety practices.

~~7. The use of such range shall be limited to members of the police department; recognized gun clubs, organized exclusively for sports and recreational purposes, and their members; and licensed gun shop owners and their customers for testing purposes.~~

~~8.6.~~ No weapon or firearm shall be permitted upon range premises or discharged upon the range which weapon or firearm does not comply with the Florida Weapons Law, F.S. ch. 790, and the Federal Gun Control Act of 1968. ~~No fully automatic firearm, machine gun, short barreled rifle, short barreled shotgun or destructive device as defined in F.S. ch. 790 shall be permitted upon range premises or discharged upon the range.~~ Noncompliance with this section shall be grounds for revocation of the permit for such range.

~~9. Such range may be open for inspection by the police department to determine whether its operation complies with accepted safety practices.~~

SECTION 5. That Section 26.202.1, "Parade and public assembly prohibitions", of the Code of Ordinances of the City of Fort Lauderdale, Florida, is hereby amended to read as follows:

Sec. 26-202.1. - Parade and public assembly prohibitions.

(b) *Prohibitions.* The following prohibitions shall apply to all parades and public assemblies:

(1) It shall be unlawful for any person participating in any parade or public assembly to carry or possess any weapon, except for firearms which possession and use shall be governed by Florida Statutes, Chapter 790.

SECTION 6. That if any clause, section or other part of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby, but shall remain in full force and effect.

SECTION 7. That all ordinances or parts of ordinances in conflict herewith, be and the same are hereby repealed.

SECTION 8. That this ordinance shall be in full force and effect immediately upon date of final passage.

PASSED FIRST READING this the 4th day of October, 2011.

PASSED SECOND READING this the 18th day of October, 2011.

Mayor
JOHN P. "JACK" SEILER

ATTEST:

City Clerk
JONDA K. JOSEPH

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