

ORDINANCE NO. 462

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AMENDING CHAPTER 10, OFFENSES – MISCELLANEOUS, ARTICLE I, IN GENERAL, SECTION 10-4; CHAPTER 10, OFFENSES – MISCELLANEOUS, ARTICLE II, NOISE, SECTION 10-26 (7); AND CHAPTER 10.5, LEISURE SERVICES, ARTICLE II, USE REGULATIONS, SECTION 10.5-19 (8) TO CONFORM WITH THE JOE CARLUCCI UNIFORM FIREARMS ACT; PROVIDING FOR SEV-ERABILITY, CONFLICTS AND EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orange City, upon recommendation from Code Enforcement staff, and given amendments to Chapter 790 of the Florida Statutes, deems it in the best interests of the City of Orange City to amend and modify Chapter 10, Offenses - Miscellaneous, Article I, In General, Section 10-4; Chapter 10, Offenses – Miscellaneous, Article II, Noise, Section 10-26 (7); and Chapter 10.5-19 (8), Leisure Services, Article II, Use Regulations;

WHEREAS, words with ~~strike through~~ shall constitute deletions to the original text.

NOW THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. Chapter 10, Offenses - Miscellaneous, Article I, In General, Section 10-4; Chapter 10, Offenses – Miscellaneous, Article II, Noise, Section 10-26 (7); and Chapter 10.5-19 (8), Leisure Services, Article II, Use Regulations, 10.5 (8) of the City Code of Ordinances shall be amended as set forth in Exhibit “A,” which is incorporated by reference as if fully set forth herein.

SECTION 2. Conflicts: All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 3. Severability: If any section, part of a section, paragraph, clause, phrase or word of this ordinance is declared invalid, the remaining provisions of this ordinance shall not be affected.

SECTION 4. Effective Date: This ordinance shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida, and approval as provided by law.

ROLL CALL VOTE AS FOLLOWS:

First Reading this 14th day of June, 2011.

Gary A. Blair	<u>Absent</u>	Jeff H. Allebach	<u>no</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ROLL CALL VOTE AS FOLLOWS:

Second Reading this 28th day of June, 2011.

Gary A. Blair	<u>yes</u>	Jeff H. Allebach	<u>no</u>
Tom Laputka	<u>yes</u>	Tom Abraham	<u>yes</u>
Anthony Pupello	<u>yes</u>	O. William Crippen, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>no</u>		

PASSED and ADOPTED this 28th day of June, 2011.

ATTEST:

Deborah J. Renner
Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

Harley Strickland
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W.E. Reischmann
W.E. Reischmann, City Attorney

EXHIBIT "A"

Chapter 10 OFFENSES-MISCELLANEOUS, Article I – In General

~~Sec. 10-4. Weapons and firearms, use and control.~~

~~10-4.1. Definitions. For the purpose of this section, the following words and phrases, when used in this section, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:~~

~~(1) Firearm means any device (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; or any destructive device.~~

~~(2) Weapon means any dirk, metallic knuckles, slingshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife.~~

~~10-4.2. Discharge of firearms.~~

~~(a) It shall be unlawful to discharge any firearm or airgun, BB gun, or any toy gun, projecting lead or any missiles, excepting in a regularly established shooting gallery; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his/her duty, or to prohibit any citizen from discharging a firearm when lawfully defending persons or property.~~

~~(b) It shall be unlawful to carry any concealed firearms or weapons in the city in violation of the laws of this state.~~

~~(c) Nothing herein shall prohibit the discharge of a BB gun, airgun or toy gun within a person's own property at inanimate objects. Children under the age of 16 years must be supervised by an adult.~~

~~10-4.3. Killing and injuring animals. It shall be unlawful for any person to discharge any firearm, BB gun, air or gas-operated guns, darts, arrows or slingshots upon dogs, cats,~~

~~birds, squirrels or any other animal, for the purpose of killing, injuring or inflicting pain on such animals, within the city limits.~~

~~10-4.4. Permits for shooting events or competition. The city administration of the City of Orange City may issue a special permit for events such as "turkey shoot," "lawful competition," "shooting range" or any other similar event. The activity allowed shall be specifically described in such permit. The city administration shall grant such authorization only if the public health and safety will not be endangered thereby. The granting of such authorization on one occasion shall not be a precedent for the granting of such authorization at a different time even if the facts and circumstances are the same or similar.~~

Chapter 10 OFFENSES-MISCELLANEOUS, Article II – Noise

~~Sec. 10-26 (7) Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices which create impulsive sound so as to cause a noise disturbance across a real property boundary or on a public space or right-of-way without first obtaining a special permit issued pursuant to section 10-28.~~

Chapter 10.5 LEISURE SERVICES, Article II – Use Regulations

~~Sec. 10.5 -19 (8) Carry any concealed weapons, nor shall they have on or about their person dangerous or deadly weapons, including any rifle, shotgun, BB gun, airgun, spring gun, slingshot, bow, or other weapon in which the propelling force is gunpowder, a spring or air, in public parks or recreational facilities.~~