

ORDINANCE 2010-06

Rev. B

ORDINANCE REPEALING ORDINANCES 99-12 AND 99-13 AND REGULATING THE DISCHARGE OF A FIREARM OR ARCHERY TACKLE IN THE CITY OF CHEROKEE VILLAGE, ARKANSAS

BE IT ORDAINED BY THE CITY COUNCIL OF CHEROKEE VILLAGE, THAT

SECTION 1:

Ordinance No. 99-12 and Ordinance No. 99-13 are hereby repealed in their entirety.

SECTION 2: Prohibition on Discharge of Firearms

It shall be unlawful for any person to fire, cause to discharge or shoot any firearm within the city subject to the exceptions contained in this ordinance. A firearm is any weapon classified as a pistol, rifle or shotgun that discharges a projectile or projectiles by use of gun powder, black powder or any other type of small explosive.

SECTION 3: Prohibition on Discharge of Pellet, B-B Gun, etc.

It shall be unlawful for any person to discharge, so as to cause any damage to real or personal property or a person or animal, any pellet or B-B gun, etc. A Pellet, B-B or other such gun is any gun that discharges a projectile or projectiles by use of a spring mechanism or by use of stored air pressure or gas cartridge.

SECTION 4: Prohibition on Discharge of Archery Tackle

It shall be unlawful for any person to discharge any archery tackle, so as to cause any damage to real or personal property or a person or animal. Archery tackle is any crossbow, compound bow, recurve bow, long bow or any similar weapon that shoots an arrow or bolt, by means of suddenly releasing stored energy causing the arrow or bolt to leave the weapon.

SECTION 5: Exceptions

This ordinance shall not apply to any law enforcement officer in the discharge of his or her official duties and does not apply to firearms qualification and practice at a recognized and authorized pistol/rifle firing range. This ordinance shall in no way restrict any law enforcement officer from using the weapons or equipment necessary in the performance of his or her duties.

This ordinance does not restrict any citizen from using a weapon to protect his or her life or property, including intrusion or damage from animals, in accordance with Arkansas statutes.

This ordinance does not restrict the discharge of firearms or archery tackle on property exclusively zoned and used for hunting or sport shooting.

This ordinance does not restrict the discharge of Section 3 guns or Section 4 archery tackle on private property (such as target practice on owner's properties, etc.), providing projectiles do not travel to adjacent or other property.

This ordinance does not restrict the discharge of archery tackle by an authorized participant of an urban bow hunt.

SECTION 6: Penalties

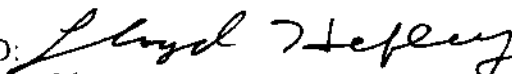
Any person in violation of the provisions of this ordinance shall upon conviction thereof be fined not less than fifty (\$50.00) dollars nor more than five hundred (\$500.00) dollars for each and every offense and said firearms shall be subject to confiscation by proper authority. Any person, parent, and/or legal guardian having custody of a minor child violating provisions of this ordinance shall be subject to the same fines.

SECTION 7: Severability clause

If any part of this ordinance shall be held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

PASSED AND APPROVED BY THE CHEROKEE VILLAGE CITY COUNCIL.

DATED: 04-07-2010

APPROVED: 
Mayor

ATTEST: 
Clerk/ Treasurer