

CHAPTER 7
EXHIBITION AND DISCHARGE OF FIREARMS AND WEAPONS

SECTION:

5-7-1: Exhibition and Discharge of Firearms and Weapons Prohibited

5-7-1 EXHIBITION AND DISCHARGE OF FIREARMS AND WEAPONS PROHIBITED.

(A) *Firearm*. Any weapon, device or instrument from which a shot, shell, pellet, BB, bullet or other projectile may be discharged by or through the force of exploding gunpowder, combustion, gas and/or other explosive material.

(B) *Weapon*.

- (1) Any instrument used in the propulsion or discharge of any projectile capable of causing bodily injury by or through the release of a pressurized gas, compressed air, expanding gas, accelerant, spring, or other force-producing means including, but not limited to, a blow gun, air rifle, spring gun, wrist rocket, sling shot, airsoft gun, electroshock gun (e.g., Tasers), BB gun, pellet gun, paintball gun, rocket having a propellant charge of more than four (4) ounces, bow, compound bow, crossbow, recurve bow, atlatl, and sling; or
- (2) Any instrument designed to or capable of inflicting death or serious bodily injury when discharged, propelled, or thrown, including, but not limited to, a grenade, bomb, missile having an explosive or incendiary charge of more than one-quarter (1/4) ounce, spear, hatchet, ax, knife, sling, throwing star, and sword.
- (3) *Weapon* shall not include a starter pistol or similar instrument designed and operated as a noisemaker if, upon firing, no projectile is propelled or discharged; a toy such as a water gun, cap gun, squirt gun; or a toy that propels or discharges a projectile unlikely to cause bodily injury.

(C) Prohibited Acts.

- (1) It shall be unlawful, in the presence of another, to exhibit or draw a weapon during a fight or quarrel, regardless of the intent of the person exhibiting or drawing the weapon.
- (2) It shall be unlawful for any person to point or direct any weapon at another, regardless of the intent of the person pointing or directing the weapon.

- (3) It shall be unlawful for any person to discharge or allow to be discharged a firearm or weapon within the City, regardless of the intent of the person discharging the firearm or weapon.

(D) Exceptions. This Chapter shall not apply to:

- (1) a firearm or weapon exhibited, drawn, pointed, directed, or discharged by a law enforcement officer, animal control officer, or other person authorized to perform law enforcement duties when such person is acting in the course and scope of their duties;
- (2) the discharge of a firearm or weapon at an established shooting gallery, archery range, gun club, paintball range, or the like, which is permitted by Zoning Code; or
- (3) the discharge of a firearm or weapon at a temporary or short-term event or use for which the Mayor, Council, or Police Chief has given prior written authorization; a copy of such written authorization shall be provided to the Police Chief prior to the event or use and shall be subject to revocation at any time by action of the City.

(E) Defense to violation. It shall be a defense to a violation of this Chapter where a person exhibiting, drawing, pointing, directing, or discharging a firearm or weapon did so in the lawful defense of person, persons, property, dwelling, or residence.

(F) Fireworks. Nothing in this Chapter shall be construed to modify or affect state or City law governing the discharge of fireworks.