

Ordinance No. 249

Amended Firearms Control Ordinance

AN ORDINANCE TO AMEND THE PORT HURON CHARTER TOWNSHIP FIREARMS CONTROL ORDINANCE, CHAPTER 24, ARTICLE II, DIVISION 2 OF THE PORT HURON TOWNSHIP CODE OF ORDINANCES TITLED "FIREARMS CONTROL," AND FOUND AT CODE SECTIONS 22- 44 THROUGH 22-45 TO DIRECT THAT ANY APPROVED SHOOTING OR FIRING RANGES BE LOCATED IN THE HEAVY INDUSTRIAL ZONING DISTRICT AND TO. PROVIDE A PENALTY FOR VIOLATIONS OF THE ORDINANCE. -

The Charter Township of Port Huron, St. Clair County, Michigan

Ordains:

SECTION 1: Amendments

Firearms Control Ordinance, Chapter 24, Article 11, Division 2, Code Sections 22-44 through 22-45 are hereby amended to read as follows:

Sec. 24-44. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Approved range means a range for the shooting of firearms, constructed in such a manner as to prevent the projectile from any weapon so fired on said range from exceeding the physical limits of said range.

Building, structure or edifice means a space within its walls and usually, but not necessarily, covered with a roof.

Firearm means any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of springs, levers or other mechanical device.

Heavy Industrial District means those portions of the Township zone for Heavy Industrial Uses under the Port Huron Township Zoning Ordinance Code Section 40-1 *et seq.*

24-45. Regulations and restrictions.

1. *Use of handguns or rifles.* No person shall, from and after the effective date of the ordinance from which this division is derived, discharge any pistol, revolver or rifle within the township except:

1. Authorized officers of law are permitted to discharge their weapons in the performance of their duties.
2. A person shall be permitted to discharge any weapon for the protection of his life and property;
3. A person may discharge a weapon for target practice purposes, in a safe manner, upon a range which has been approved by the township board, for the specific type of weapon so discharged;
4. **A** licensed hunter may discharge a weapon when lawfully hunting.

2. *Licensed hunters.* Only licensed hunters shall be allowed to hunt in the township, but shall comply with the regulations set forth in subsection (c)(1) of this section, and any restrictions imposed by the State of Michigan with regard to areas closed to hunting.

3. Areas where firearm discharge is prohibited. In addition to those areas within the Township which the State of Michigan and other authority has closed to Firearm Discharge and/or closed to hunting, the discharge of firearms shall also be prohibited in the following areas:

1. Near buildings and school property. It shall be unlawful, after the effective date of the ordinance from which this division is derived to discharge any firearm:

- a. Not prohibited elsewhere in this division, within an area of 100 yards of any building, structure or edifice, whether occupied or unoccupied;

- b. Permitted elsewhere within 100 yards of any public or private school real property.

2. Upon or across public roads. From and after the effective date of the ordinance from which this division is derived, it shall be unlawful to discharge any firearm upon or across any public road or highway, within said township.

4. *Practice ranges.*

1. Approved by township board. The township board may approve firearms shooting and practice ranges provided that the range so approved shall be so constructed as to prevent the discharge from the specified type of firearm exceeding the limits of said approved range.

2. Location. No firearms practice ranges may be approved for construction or use within the Township except in the Heavy Industrial District and pursuant to a Special Use authorization.

3. Grounds for withdrawal of approval. Use of any firearm not approved for said practice range shall be grounds for withdrawal of approval of said range.

5. *Minors.*

1. Except as provided in subsection (e)(2) of this section, an individual less than 18 years of age

shall not possess a firearm in public except under the direct supervision of an individual 18 years of age or older.

2. Subsection (e)(1) of this section does not apply to an individual less than 18 years of age who possesses a firearm in accordance with part 401 (wildlife conservation) of the natural resources and environmental protection act,

· Public Act No. 451 of 19'94 (MCL 324.40101 et seq.), or part 435 (hunting and fishing licensing) of Public Act No. 451 of 1994 (MCL 324.43501 et seq.). However, an individual less than 18 years of age may possess a firearm without a hunting license while at, or going to or from, a recognized target range or trap or skeet shooting ground if, while going to or from the range or ground, the firearm is enclosed and securely fastened in a case or locked in the trunk of a motor vehicle.

3. Controlled and prevented from violations. It shall be the responsibility of every parent, guardian or other person having the physical custody or charge of any minor under the age of 18 years, to control said minor and prevent him from violating or attempting to violate any provisions of this division.

4. SECTION 2: Violation as Nuisance, Penalty

Section 24-46 is added

5. 24-46. Violation as Nuisance, Penalty

1. A violation of this chapter is deemed to be a nuisance pursuant to Port Huron Charter Township Code Section 16-50 and shall be abated pursuant to Port Huron Charter Code Section 16-51.

2. In addition *to* constituting a nuisance, a violation of this chapter shall constitute a municipal civil infraction pursuant to MCL 42.21, and any person or entity violating this chapter is responsible for a municipal civil infraction and subject to the fines and costs *to* be levied in accordance with the schedule of municipal civil infraction fines determined by the township board, as amended from time to time, and which shall be

posted at the Municipal Ordinance Violations Bureau located at the Port Huron Township Hall, 3800 Lapeer Rd., Port Huron, MI.

3. A violator of this chapter shall also be subject *to* such additional civil fines, costs, damages, expenses or judicial orders as may be authorized under MCL 600.8727.

4. Each day violation of this chapter continues to exist constitutes a separate violation.

6. SECTION 3: Severability

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

7. SECTION 4: Reseal

All ordinance or parts of ordinances in conflict herewith are hereby repealed. -

8. SECTION 5: Effective Date

This ordinance shall take effect October 1, 2021.

The above Ordinance was offered for introduction by Township Board Member Riehl and was seconded by Township Board Member Livingston, the vote being as follows:

YEAS: Riehl, Livingston, Reno, Dudas, Davis, Lewandowski

NAYS:

ABSTAIN/ABSENT: Shonka

ORDINANCE DECLARED ADOPTED:

By: Benita Davis, Clerk

Charter Township of Port Huron

9. CERTIFICATION

I hereby declare that the above is a true copy of an Ordinance introduced by the Charter Township of Port Huron Board at a board meeting held on September 20, 2021, at the Charter Township of Port Huron Hall, pursuant to the required statutory procedures.

DATED: _____

Benita Davis, Clerk

Charter Township of Port Huron