

Ordinance Number:

8-06

VETOED

AN ORDINANCE PROVIDING FOR THE CONTROL, REGULATION AND ENFORCEMENT OF PENALTIES FOR UNLAWFUL USE OF FIREARMS AND OTHER WEAPONS WITHIN THE INCORPORATED AREA OF THE CITY OF DIAMOND CITY, ARKANSAS.

BE IT ORDAINED BY THE CITY COUNCIL OF DIAMOND CITY, ARKANSAS:

Section 1: Definitions: Whereas, for the purpose of this ordinance, these definitions shall be used to describe certain words and terms herein:

7.12.01

- A. The term "gun" or "pistol", for the purpose of this chapter, shall mean any Weapon, which expels its projectile by the combustion of power.
- B. The term "device", for the purpose of this chapter, shall mean any device capable of throwing or discharging any type of projectile to include, but not limited to: BB guns, pellet guns, air guns, paint ball guns, bow and arrow devices or similar devices.
- C. The term "hunt", for the purpose of this chapter, shall mean to chase for the purpose of catching or killing.

7.12.02 Unlawful to Discharge Firearms or Hunt Within the City Limits

- A. It shall be unlawful for any person to fire or discharge any gun or pistol capable of discharging a missile or projectile within the incorporated area of the City of Diamond City, Arkansas, as set forth in the chapter.
- B. It shall be unlawful for any person to fire or discharge any device capable of expelling a missile or projectile in any of the streets, alley, or public places of the incorporated area of the City of Diamond City, Arkansas, as set forth in this chapter.
- C. It shall be unlawful for any person to hunt with a gun or device on any parcel of land, city lot, or army corps ground inside the city of Diamond City, Arkansas.
- D. It shall be unlawful for any person under the age of Sixteen (16) to fire or discharge any device capable of expelling a missile or projectile within the incorporated area, of Diamond City, Arkansas unless in the physical presence of their parent or guardian.

7.12.03 Confiscation of Weapons/Devices

- A. Upon violation of any of the provisions of this chapter by any person, the weapon/device used in violation may be confiscated, and, upon conviction, may be forfeited to the City of Diamond City, Arkansas.

Section 4: Penalties:

- A. Whereas, violators of Section 7.12.02 (A) and (C) above, upon conviction, shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) and not more than Two Hundred and Fifty Dollars (\$250.00), plus any court costs. Said offense shall be deemed a misdemeanor.
- B. Whereas, violators of Section 7.12.02 (B) above, upon conviction, shall be subject to a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00), plus court costs.

Section 5: Exceptions

- A. Whereas, the Chief of Police, or his designated representative, is authorized to grant exceptions to said chapter to organizations or individuals of whom they deem necessary.

Section 6: Possession of Firearms

- A. Whereas, the possession of firearms shall be allowed as provided for by the laws of the State of Arkansas.

Section 7: Adoption and Replacement

- A. Therefore, the adoption of this ordinance shall replace any ordinance that is in conflict in part or in whole.

Section 8: Invalidity

- A. If any part of this ordinance is found to be invalid by a court of competent jurisdiction, that invalidity shall in no wise affect any other parts that are valid.

Passed: _____ Yeas _____ Nays _____
Date

ATTEST: _____ APPROVED: _____
Recorder Mayor

Troy Burleson
Mayor's Office, City Hall
Grand Avenue
Diamond City, Arkansas

NOTICE OF VETO

As Mayor of Diamond City, I hereby Veto the amended ordinance pertaining to the Firearms Ordinance Number 8-06 as passed on 08-28-06.

Reasons for Veto:

1. After consultation with the City Attorney, I believe that this amended ordinance is poorly worded so as to cause confusion, unenforceability and may be cause for future lawsuits involving the City of Diamond City.
2. The Council was duly and properly advised of these considerations before passing this said ordinance.
3. The Council disregarded attorney's considerations and passed this amended ordinance.
4. I believe that this amendment should be brought back to the Council with proper adjustments and considerations.

Signed:

Troy J. Burleson
Mayor

08-29-06
Date

Sandra J. Beaver

