

CITY OF ITHACA
CODE OF ORDINANCES

**Chapter 22: Offenses; Article VI. Offenses Against Public Safety;
Amending Sec. 22-161. Possession of Firearms or Weapons
And Sec. 22-163. Discharge of Firearms**

An Ordinance to Amend Chapter 22 of the Code of Ordinances of the City of Ithaca, by Amending Article VI. Offenses Against Public Safety, Sections 22-161 and 22-163 to further define the term “firearms” and to establish a policy governing the discharge of firearms within the City of Ithaca in order to preserve and protect the health, safety and welfare of persons within the City.

THE PEOPLE OF THE CITY OF ITHACA, MICHIGAN DO ORDAIN:

That Chapter 22, Article VI, Section 22-161 be amended to read as follows:

Section 22-161. Possession of Firearms or Weapons

It shall be unlawful for any person to possess a firearm or other dangerous weapon in any public street, park or other place open to the general public unless such weapon is licensed as required by State or Federal law. The term “firearms” in this Chapter shall include all rifles, shotguns with buck, slug or bird shot, pistols and other devices for the firing of any type of projectiles by means of explosive powder, and shall also include compressed air or pneumatic guns, B-B/pellet guns, paint guns, bows, crossbows, slingshots and other devices for the firing of any type of projectile by means of springs, air power or any other means.

Cross references: Firearms, air guns, slingshots, etc. in parks, § 24-37.

That Chapter 22, Article VI, Section 22-163 be amended to read as follows:

Section 22-163. Discharge of Firearms

a. It shall be unlawful to discharge a firearm as defined in Section 22-161 of this Chapter, within the corporate boundaries of the City, except as follows:

(1) The discharge of any firearm is strictly prohibited on property owned or leased by the City, unless such discharge is duly authorized in writing by the City Manager and/or City Council. Hunting, in any form, is prohibited on City-owned property, whether or not said property is within the City’s corporate boundaries. Such property includes by way of example, but is not limited to the following: parks, playgrounds, sport fields, arenas, paths and trails, forests, natural areas, cemeteries, water wells and towers, wastewater treatment plants, wastewater pump stations, public buildings and grounds, and public streets, alleys, rights-of-way, and parking lots.

(2) Permission may be granted by the City Council to develop a target range in a designated location, which would allow for target practice with firearms. Consideration of a request for such a target range shall be first taken up by the City of Ithaca Planning Commission, and would be classified as a “special use” under Chapter 40: Zoning,

Article 20. "Special Use Permit Procedure and Standards" under the City Code of Ordinances. The Zoning Code may designate in which, if any, zoning districts such a target range could be located as a special use. The City Council shall review the recommendation of the Planning Commission as to the request for a special use permit, along with any and all limitations and conditions so placed upon said permit. The City Council shall have final authority on the approval of said target range and any required permit conditions.

(3) The discharge of certain firearms may be permitted on private property in certain areas as designated by adoption of a Resolution by the City Council from time to time and as depicted on a map on file in the office of the City Clerk and on the City's website. Said Resolution may limit the discharge of firearms to specific types of firearms in specific permitted areas, taking into consideration the density of development, the proximity to schools, houses, businesses, and other places of assembly, etc. Such discharge of firearms must be authorized in advance by the property owner(s) in such designated areas. By and through the Gratiot County Sheriff Department, the County Sheriff or his/her designee, may issue firearm discharge permits to property owners on the following bases:

(i) One permit may be issued for each ten acres of property, with a maximum of five permits being issued to one property owner.

(ii) Parcels that are at least five acres in size, but less than ten acres in size shall qualify for only one permit.

(iii) Owners of property that is in excess of five acres, but which is not located in areas designated on the firearms map, may apply to the County Sheriff for a firearm discharge permit. The Sheriff shall consider each request on a case-by-case basis, and notify the applicant of his/her findings within five working days.

(iv) Permits shall be issued designating the specific area and type of firearm, as well as a list of those authorized by the permit and the expiration date of the permit.

(v) As currently regulated by the State, firearms for hunting purposes only shall not be discharged within safety zones around buildings, which are all areas within 150 yards (450 feet) of an occupied building, house, or cabin, or any barn or other building used in a farm operation. No person may hunt with a firearm in a safety zone, or shoot at any wild animal or wild bird within a safety zone, unless that person is the owner of the property within the safety zone, or unless prior written permission is received from the property owner. The safety zone does not apply to indoor or outdoor shooting ranges, target shooting, law enforcement activities, or the lawful discharge of firearms for any non-hunting purpose.

b. The provisions of this section regarding the discharge of firearms shall not apply to:

(1) Any peace officer of the State or any subdivisions thereof who is on duty;

(2) The extermination under police, sheriff or animal control department supervision, of any bird, animal or reptile that has become a nuisance.

(3) Any active or retired member of the U.S. Armed Forces acting in an official or ceremonial capacity;

- (4) A member of the National Guard or other duly authorized reserve military organization when on duty or drill;
- (5) A person licensed by the State to carry a pistol concealed upon his/her person when the person is employed for the purposes for which the license was granted;
- (6) A person licensed by the State to carry a concealed weapon upon his/her person;
- (7) Organizations authorized by law to purchase or receive weapons from the United States or the State; or
- (8) The regular and ordinary transportation of firearms as merchandise.

c. Penalty for the violation of the provisions of this Section regarding the discharge of firearms shall be considered misdemeanors subject to a fine and/or imprisonment as authorized in Chapter 1: General Provisions; Section 1-7. General Penalty; Continuing Violations of this Code.

This Ordinance Amendment is hereby adopted by the following recorded vote as moved by Timmons, second by Henderson:

Ayes: (7) Schafer, Timmons, Baublitz, Gruesbeck, Henderson, Koppleberger, Palmer
Nays: (0) None
Absent: (0) None
Abstain: (0) None

Barbara Fandell, Clerk-Treasurer

Introduced: August 22, 2017
Adopted: 9-5-2017
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