

Chapter 32

DISCHARGE OF FIREARMS, BOWS, AND CROSSBOWS WITHIN THE VILLAGE LIMITS

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[HISTORY: Adopted by the Village Council of the Village of Bellaire 6-1-2005 by Ord. No. 3-2005; amended 11-1-2017 by Ord. No. 4 of 2017]

32-1. Purpose and intent.

This Chapter is adopted so that the Village Council of Bellaire may promote the public health, safety, and general welfare within the Village through the regulation of the discharge of air guns, firearms, zip guns, bows, crossbows, and similar devices. By prohibiting the discharge of firearms and zip guns, and by restricting the discharge of air guns, bows and crossbows, the Bellaire Village Council seeks to prevent bodily injury, death, property damage, and other nuisances within the Village limits. [Amended 11-1-2017 by Ord. No. 4 of 2017]

32-2. Definitions.

General: Words and phrases in this Chapter shall have meanings set forth in this section. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this Chapter.

Specific:

- (1) Air Gun: means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Air gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact. [Amended 11-1-2017 by Ord. No. 4 of 2017]
- (1A) Air Gun Permit: means the permit issued by the Bellaire Police Chief under §32-4A.C of the Bellaire Village Code. [Added 11-1-2017 by Ord. No. 4 of 2017]

- (2) Bow: means a flexible strip of wood or other material, bent by a string stretched between its ends, capable of propelling an arrow.
- (3) Crossbow: means a weapon capable of propelling an arrow consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism.
- (4) Firearm: means any device designed, made, or adapted to expel a projectile through a barrel by using the energy or force generated by an explosion or burning substance or any device readily convertible to that use. The term “firearm” includes but is not limited to guns, handguns, machine guns, rifles, shotguns, automatic rifles, revolvers, and pistols.
- (5) Person: means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.
- (5A) Pest Animal: means either of the following:
 - (a) A red squirrel, opossum, chipmunk, rat, porcupine, or raccoon, but only when that animal is causing physical damage on property, or
 - (b) A skunk, regardless of whether it is causing physical damage on property. [Added 11-1-2017 by Ord. No. 4 of 2017]
- (6) Public Place: means any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, and shops.
- (7) Public Right-of-Way: means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest.
- (8) Target: means an inanimate object capable of safely absorbing an arrow discharged or shot from a bow or crossbow without allowing the arrow to pass completely through the object.
- (9) Village: means the municipality of the Village of Bellaire, located in Antrim County, Michigan, its agents and assigns.

- (10) Village Limits: means the incorporated municipal boundaries of the Village of Bellaire.
- (11) Zip Gun: means a device or combination of devices that was not originally a firearm and is adapted to expel a projectile through a smooth-bore or rifled-bore barrel by using the energy generated by an explosion or burning substance.

32-3. Discharge of certain weapons.

- A. No person shall discharge, fire or shoot any firearm within the village limits.
- B. Except as authorized by an air gun permit issued under § 32-4A.C of the Bellaire Village Code, no person shall discharge, fire or shoot any air gun or zip gun within the Village limits. [Amended 11-1-2017 by Ord. No. 4 of 2017]
- C. No person shall discharge or shoot any bow or crossbow in any public place, on or across any public right-of-way or onto the property of any other person within the village limits.
- D. No person shall discharge or shoot any bow or cross bow on private property within the village limits, except at a target as defined in this Chapter and when such discharging or shooting can be done without violating subsection C above.

32-4. Exceptions. [Amended 9-19-07 by Ord. No. 8-2007]

Section 32-3 of this Chapter shall not apply to:

- A. Licensed law enforcement officers, provided that such discharges are made in the course and scope of the law enforcement officer's official duties.
- B. The use of blank cartridges for a theatrical production, a military ceremony, or a sporting event that will be supervised by the Bellaire Police Department or other approved law enforcement agency.
- C. Duly designated animal control officers destroying sick, injured, or predatory animals on public or private property.
- D. The Bellaire Conservation Club's indoor shooting facility located at 4770 Stover Road.
- E. A person in the lawful exercise of self-defense or the defense of others.

§32-4A. Air gun permit. [Added 11-1-2017 by Ord. No. 4 of 2017]

- A. Purpose. The purpose of this Section is to allow the limited use of an air gun within the Village limits to eliminate pest animals, as defined in this Chapter, and to regulate such use to prevent bodily injury and property damage within the Village limits.

- B. Application. A person seeking an air gun permit under this Section shall submit a complete application to the Bellaire Police Chief and pay the required fee, which shall be determined from time to time by resolution of the Village Council. The application shall include all of the following listed information and all information reasonably necessary for the Police Chief to determine whether the applicable standards for approval provided in subsection D below have been met.
 - (1) A written statement specifying the physical damage on the applicant's property, if applicable, and identifying the pest animal(s) causing the damage. If the applicant is seeking an air gun permit to eliminate a pest animal(s) on the property of another person, then the application shall include a written statement from the owner or occupant of that other property consenting to the issuance of the air gun permit.

 - (2) A written statement signed by the applicant authorizing the Police Chief to run a Confidential Criminal History on the applicant through the Michigan State Police LEIN system and to access any other record needed to verify that the applicant is eligible to receive an air gun permit, or be granted an extension of that permit, under the approval standards in subsection D below.

- C. Issuance of Permit; Duration; Renewal.
 - (1) The Police Chief shall issue an air gun permit to the applicant when the Police Chief verifies that the applicant is eligible to receive that permit as specified in the approval standards within subsection D below. All air gun permits shall specify the pest animal(s), as defined in the Chapter, authorized to be eliminated under the permit.

 - (2) An air gun permit issued under this subsection shall be valid for a period of sixty (60) days, but may be extended as provided under subsection (3) below.

- (3) The holder of an air gun permit may obtain one (1) extension of the air gun permit for an additional thirty (30) day period upon filing a written request for such an extension with the Police Chief prior to the expiration of the original permit. The Police Chief shall issue the requested extension, unless the Police Chief determines that the holder of the air gun permit is no longer eligible to receive an air gun permit as specified in the approval standards within subsection D below.

D. Approval Standards. An applicant for an air gun permit is eligible to receive an air gun permit, or obtain an extension of that permit, when all of the following standards are met:

- (1) A pest animal(s), as defined in this Chapter, is causing physical damage on applicant's property or on the property of another person, or the pest animal to be eliminated is a skunk.
- (2) The applicant has not been convicted of any felony or any other crime where the maximum possible incarceration is more than one year.
- (3) The applicant is not prohibited from possessing or using a firearm under Section 224f of the Michigan Penal Code, MCL 750.224f.
- (4) The applicant has not been convicted of any misdemeanor assaultive crimes, including domestic violence, in the past eight (8) years.
- (5) The applicant has not been convicted of any misdemeanor crimes involving the destruction of personal or real property in the past eight (8) years.
- (6) The applicant has not been convicted of any misdemeanor crimes involving the reckless, careless, or negligent use of a firearm in the past eight (8) years.
- (7) The applicant has not been convicted of any misdemeanor crimes involving the possession of a controlled substance in the past eight (8) years.
- (8) The applicant has not been convicted of any misdemeanor crimes involving the operation of a motor vehicle under the influence of alcohol or drugs in the past three (3) years.

- (9) The applicant is not currently and has not been restrained by a personal protection order (PPO) in the past three (3) years.
- (10) The applicant is not currently and has never been subject to an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.
- (11) The applicant does not have a diagnosis of mental illness that includes an assessment that the individual presents a danger to himself or herself or to another at the time the application is made, regardless of whether he or she is receiving treatment for that illness.

E. Regulations. The holder of an air gun permit shall not:

- (1) Discharge an air gun within the Village limits without a valid air gun permit being in effect at the time of the discharge.
- (2) Discharge an air gun within the Village limits in violation of the terms of the air gun permit in effect at the time of the discharge.
- (3) Discharge an air gun within the Village limits on or across any public right-of-way or onto the property of any other person.

32-5. Penalties.

- A. Misdemeanor; penalties. Any person who knowingly violates Section 32-3.A or Section 32-3.C of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or by imprisonment in the county jail for not more than ninety days.
- B. Municipal Civil Infractions; penalties. Any person who violates Section 32- 3.B, Section 32-3.D, and Section 32-4A.E of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than \$500.00.
- C. Enforcement Officials. Officers of the Bellaire Police Department, and other village officials designated by resolution of the village council, are hereby authorized to issue municipal civil infraction citations under this Chapter directing offenders to appear in court.