

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]

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 air guns, firearms, zip guns, and by restricting the discharge of bows and crossbows, the Bellaire Village Council seeks to prevent bodily injury, death, property damage, and other nuisances within the Village limits.

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 device designed, made, or adapted to expel a projectile through a barrel by using the energy or force generated by the release of compressed gases. The term "air gun" includes but is not limited to B-B guns, pellet guns, air pistols, air rifles and paintball guns.
- (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.
- (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. No person shall discharge, fire or shoot any air gun or zip gun within the village limits.
- 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.

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.

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 or Section 32-3.D 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.