

ORDINANCE 2020-04

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LA PAZ, INDIANA, PROHIBITING THE DISCHARGE OF A FIREARMS WITHIN THE TOWN LIMITS

WHEREAS, the Town of La Paz, Indiana (hereinafter "Town") is entrusted with ensuring peace and safety within the Town limits for the benefit of the residents and visitors of the Town of La Paz; and

WHEREAS, the Town Council (hereinafter "Town Council") of the Town of La Paz, Indiana has been notified by residents that residents or their visitors have discharged firearms within the town limits; and

WHEREAS, the Town Council believes it is necessary to regulate the discharge of firearms and other explosives within the town limits to avoid the risk of serious and fatal injury as well as damage to property; and

WHEREAS, the Town Council acknowledges that it is prohibited by Indiana Code 35-47-11.1-2 from regulating:

- 1) firearms, ammunition, and firearms accessories;
- 2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and
- 3) commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

WHEREAS, the Town Council has the authority to regulate conduct, or use or possession of property that might endanger public health, safety, or welfare, according to Indiana Code 36-8-2-4.

WHEREAS, the Town Council believes it is in the best interests of the residents and visitors of the Town to regulate the firing or discharge of firearms and explosives.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of La Paz, Indiana as follows:

Section 1. Definitions. For the purposes of the Town Code of the Town of La Paz, Indiana,

- Firearm: any weapon capable of expelling, is designed to expel, or may be readily converted to expel a projectile by means of explosion. This definition shall include, handguns, machine guns, rifles, shotguns, and all other weapons as defined by Indiana Code or other applicable state or federal laws.
- Explosive: an explosive, incendiary, or overpressure device that is configured as: a bomb, a grenade, a rocket with a propellant charge of more than four (4) ounces, a missile having an explosive or incendiary charge of more than one-quarter (¼) ounce, a mine; a Molotov cocktail, or any device that is substantially similar to an item described above. This definition shall not include a device that is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device or any surplus military ordnance sold,

loaned, or given by authority of the appropriate official of the United States Department of Defense.

Section 2. Discharging Firearms and Explosives. It shall be unlawful for any person to shoot, fire, or discharge any firearm with in the municipal boundaries of the Town of La Paz, unless exempted as described herein.

Section 3. Exemptions. This ordinance shall not prohibit the discharge of firearms by certain exempted persons, namely:

1. Any legally appointed local, state, or federal law enforcement officer acting within the capacity of his or her authorized duty.
2. Any person, who is legally authorized and licensed to own and possess a firearm, is acting in self-defense, the defense of their dependents, or the defense of a fellow person or persons, as defined by the State of Indiana.
3. Any duly licensed hunter, subject to compliance with all local and state laws, ordinances, and regulations and with the permission of the property owner of the land used for hunting.
4. Any person discharging a weapon at a lawfully operated shooting range, skeet range, or gun club.
5. Any person who discharge a weapon for the purpose of defending themselves, another person or persons, or an animal or animals against another animal.
6. Any person discharging a weapon for the purpose of ending the life of an injured or sick animal.
7. This ordinance shall not be construed to restrict or otherwise prohibit the legal possession, purchase, or use of firearms in accordance with applicable statutes of the State of Indiana, the Indiana Constitution, and the United States Constitution.

Section 4. Restriction on Regulation. This ordinance only regulates the firing or discharging of weapons with the municipal boundaries of the Town of La Paz, Indiana, and shall not be construed to regulate or otherwise restrict the following:

1. firearms, ammunition, and firearms accessories;
2. the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; or
3. commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

Section 5. Violations. Any violation of this ordinance shall result in the following penalties:

1. First Offense: \$100.00
2. Second Offense: \$250.00
3. Third Offense: \$500.00

Any violation of this ordinance occurring in the same calendar year as a prior offense shall be considered a subsequent offense.

Section 6. Severability. If any section, clause, provision, or portion of this ordinance shall be held to be invalid, unconstitutional, or otherwise unenforceable by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this

ordinance.

Section 7. Effectiveness. This ordinance shall take effect immediately and be in full force and effect from and after its passage and adoption by the Town Council of the Town of La Paz, Indiana, and publication in conformance with applicable law.

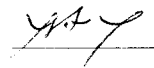
PASSED AND ADOPTED by the Town Council of the Town of La Paz, Indiana this 9th day of July, 2020.

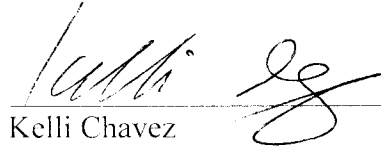
THE TOWN COUNCIL OF THE TOWN
OF LA PAZ, INDIANA

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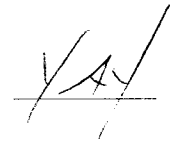


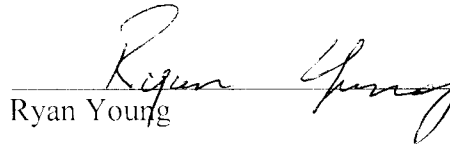
Roger Ecker, President



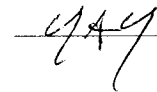


Kelli Chavez

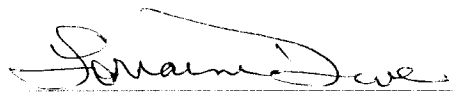




Ryan Young



ATTEST:



Lorraine Dove, Clerk-Treasurer
Town of La Paz, Indiana