

AN ORDINANCE PERTAINING TO THE DISCHARGE OF FIREARMS AND WEAPONS
INSIDE THE JURISDICTIONAL BOUNDS OF THE TOWN OF ORESTES

WHEREAS, the Town Council of the Town of Orestes ("Council") has found and determined that it is necessary and desirable to protect the residents of the Town of Orestes from the potential loss of property and injury or death which may occur from firearms; and

WHEREAS, the Council finds it desirable to enact certain provisions pertaining to the discharge of weapons within the Town limits so as to protect the general public;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ORESTES, INDIANA, as follows:

Section 1: Definitions:

Firearm: "Firearm" means any device, by whatever term known, including a handgun and rifle, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas, air gun, BB gun, or pellet gun projecting any lead or any missiles.

Person: Any individual, corporation, company, association, firm, partnership, club, society, or joint stock company.

Section 2: It shall be unlawful for any person to discharge any firearm, cannon or detonate any explosives any place within the corporate limits of the Town, or to assist any other person or persons to engage in any such discharging or detonation, unless such person has been granted special permission by the Town Council of the Town of Orestes; provided, however, this section shall not apply to the following:

- (a) Any law enforcement officer who shall so discharge a firearm in the lawful performance of his duty;
- (b) Any person who shall so discharge a firearm in the lawful protection of life or property when the surrounding facts and circumstances justify such actions;
- (c) Any person who shall discharge a firearm during ceremonial occasions approved by the Town Council of the Town of Orestes.
- (d) Members of the armed services or reserve forces of the United States of America or Indiana National Guard, while in the performance of their official duties;

Section 3. Penalty:

- (a) Any person violating any provision of this ordinance shall be guilty of an ordinance violation and shall be fined not less than \$25.00 nor more than \$500.00.
- (b) Upon conviction of a violation of this ordinance, any weapon seized by law enforcement authorities shall be confiscated by the trial court and when no longer needed for evidentiary purposes, the court may transfer such weapon to the Madison County Police Department who shall dispose of said firearm within the intent of Indiana state law.

Section 4. Nothing in this ordinance shall be construed or applied to necessarily require or excuse non-compliance with any provision of the laws of the State of Indiana or to the laws of the United States. This ordinance and the penalties prescribed for violation hereof shall not supersede, but shall supplement all statutes of the State of Indiana or of the United States in which similar conduct may be prohibited or regulated.

Section 5: Severability: If any provisions of this ordinance or the application thereof to any person or circumstances held invalid, the remainder of this ordinance and the applicability

of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

The provisions of this ordinance shall be in full force and effect after its approval by the Town council of the Town of Orestes and any publication required thereof by law.

ALL OF WHICH IS CONSIDERED AND PASSED BY THE COMMON COUNCIL
THE TOWN OF ORESTES, this 22nd day of APRIL, 1997.

TOWN COUNCIL OF TOWN OF ORESTES

BY John J Shettle
President

Tracy D. Davis
Member

Debra J Atwood
Member

ATTEST;

Erin A. Atwood
Clerk/Treasurer

