

ORDINANCE NO. 519

AN ORDINANCE PROHIBITING THE UNSAFE DISCHARGE OF ANY FIREARMS, HANDGUNS, OR WEAPONS OF ANY KIND WITHIN THE CITY LIMITS OF THE CITY OF MADRAS.

WHEREAS, there have been several occasions of parties discharging guns, pellet pistols, and rifles within the city limits of the City of Madras; and

WHEREAS, the discharge of said weapons was within the confines of the City of Madras where a dense population exists; and

WHEREAS, the unsafe discharging of such weapons creates a hazard and risk to the public health and safety of the community; and

NOW, THEREFORE, be it ordained by the Common Council of the City of Madras that:

SECTION 1: DEFINITIONS

For the purposes of this ordinance the following definitions shall apply:

- a) Firearm - is a weapon which is designed to expel a projectile by the action of black powder or smokeless powder and is readily capable for use as a weapon.

b) Handgun - is any conventional pistol or revolver using a fixed cartridge containing a propellant charge, primer and projectile, and designed to be aimed or fired otherwise than from the shoulder and which fires a single shot for each pressure on the trigger device.

c) Weapon - shall include but not be limited to the following:

1. Air Guns or Air Pistols
2. Blowguns
3. Bows and Arrows
4. Crossbows
5. Explosive Devices
6. Slingshots

SECTION 2: UNLAWFUL DISCHARGE

A.A person commits the crime of unlawful use of a weapon if the person:

1) Attempts to use unlawfully against another, or carries or possesses with the intent to use unlawfully against another, any dangerous or deadly weapon as defined in ORS 161.015; or

2) Intentionally discharges a firearm, blowgun, bow and arrow, crossbow or explosive device within residential areas within urban growth boundaries at or in the direction of any person, building, structure, or vehicle within the range of the weapon without having legal authority for such discharge.

B.It shall also be unlawful to discharge any firearm, handgun, or weapon within the city limits of the City of Madras in any unsafe manner.

SECTION 3: EXCEPTIONS

A. Law enforcement officers shall be exempted from this ordinance while acting in the performance of their duties.

B. Firing ranges approved by the City for such use shall be exempt in their operations as a firing range.

C. Use of firearms, handguns, or weapons for the purpose of self defense shall be exempt.

SECTION 4: PENALTY

Violation of the ordinance shall result in a fine, not to exceed \$300 and the forfeiture of the firearm, pistol, or weapon being discharged within the city limits.

SECTION 5: EMERGENCY CLAUSE

Since it is necessary for the preservation of public health, peace, and safety that firearms, handguns, and weapons not be discharged within the city limits, due to the potential risk of injury to persons within the City of Madras an emergency is hereby declared and this ordinance shall become effective as of the date of its passage.

PASSED by the Council and approved by the Mayor on March 23, 1993.