

# ORDINANCE 61 FIREARMS

An ordinance to secure the public health, safety and welfare of the residents and property owners of the Charter Township of Chocolay, a Municipal corporation of the State of Michigan, by prohibiting the discharge of firearms in certain areas of the Township, to provide penalties for violations thereof and to repeal Ordinance #35, dated January 23, 1978, and all ordinances or parts of ordinances in conflict herewith,

**THE CHARTER TOWNSHIP OF CHOCOLAY ORDAINS:**

## Section 1 Purpose

The purpose of this Ordinance is to secure and maintain the public health, safety and welfare of the residents and property owners of the Charter Township of Chocolay by prohibiting and /or regulating the discharge of firearms in residential and commercial areas in the Township and near residences and outbuildings of the rural and forested areas in the Township where such discharge would be dangerous to persons and property.

## Section 2 Title

This Ordinance may be known and cited as the "Charter Township of Chocolay Firearms Ordinance".

## Section 3 Definitions

Word or Phrase	Definition
Building or Structure	Means a space which is enclosed by walls or other means of separation and usually, but not necessarily, covered with a roof.
Firearm	Means any weapon or device which will, is designed to, or may readily be converted to expel a projectile by action of an explosive, and shall include, but not be limited to, rifles, shotguns, and pistols as defined by Section 222 of the Michigan Penal Code, MCL 750.222.
Indoor Sport Shooting Range	Means an indoor area designed and operated for the use of archery or firearms, such as rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting
Residence	Means a permanent building serving as a temporary or permanent home. Residence may include a cottage, cabin, or mobile home, but does not include a structure designed primarily for taking game, a tree blind, a tent, a recreational or other vehicle, or a camper.
Restricted Zone	Means the following zoning districts as identified in the Township Zoning Ordinance: <ul style="list-style-type: none"> <li>■ C (Commercial)</li> <li>■ I (Industrial)</li> <li>■ MFR (Multi- Family Residential)</li> <li>■ MP (Municipal Properties)</li> <li>■ PUD (Planned Unit Development)</li> </ul>



Word or Phrase	Definition
	<ul style="list-style-type: none"> <li>■ R-1 (Single Family Residential)</li> <li>■ R-2 (High Density Residential)</li> <li>■ WFR (Waterfront Residential)</li> </ul>

## Section 4 Regulation of the Use of Firearms

No person shall, from and after the effective date of this Ordinance:

- (A) Discharge any firearm within 450 feet of any occupied building, dwelling, house, residence, or cabin, or any barn or other building used in connection with a farm operation, without obtaining the written permission of the owner, renter, or occupant of the property; or
- (B) Discharge any firearm in a Restricted Zone, as herein defined above, except that shotguns shall be permitted in the Restricted Zone if not loaded with slug, ball, buckshot or cut shell load.
- (C) Discharge any firearm across property lines without consent of the neighbor.

## Section 5 Exceptions

The prohibitions against discharge of firearms contained in Section 4 hereof shall not apply to:

- (A) Authorized officers of the law acting in the performance of their duties; or
- (B) Persons acting in the reasonable belief that a discharge of a firearm is necessary for the preservation of life or the protection of property.
- (C) Firearms discharged within indoor sport shooting ranges that are totally enclosed and impenetrable by manufacturer-allowed calibers and velocities, mitigate noise, mitigate lead, are located within the Mixed Use Overlay District or the Industrial (I) zoning district, and comply with all external government agencies including health and safety.

## Section 6 Penalties

- (A) Any person who violates any provision of this ordinance shall be deemed responsible for a civil infraction and shall be subject to a civil penalty of not more than Five Hundred Dollars (\$500.00) for each such infraction, all direct and indirect costs allowable by law, and injunctive or other relief as provided under MCL 600.8727 and MCL 600.8735.
- (B) This Ordinance shall be enforced by the Ordinance Enforcement Officer(s) of the Charter Township of Chocoday, by the police department of the Charter Township of Chocoday, or by such other person or persons as the Township Board may, from time to time, designate.

## Section 7 Validity

Should any action, clause or provision of this Ordinance be declared to be invalid, the same shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so declared invalid.



## Section 8 Repeal

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

## Section 9 Effective Date

This Ordinance shall take effect thirty (30) days from 13th day of January 2020.

