

ORDINANCE NO. 336

AN ORDINANCE OF THE TOWN OF MIDDLEBURY, INDIANA (1) MAKING IT UNLAWFUL TO DISCHARGE FIREARMS OR CANNONS, OR TO DETONATE EXPLOSIVES, WITHIN THE CORPORATE LIMITS OF THE TOWN OF MIDDLEBURY, INDIANA, (2) MAKING SUCH UNLAWFUL CONDUCT A MISDEMEANOR AND (3) PRESCRIBING PENALTIES THEREFORE

WHEREAS, the Town council of Middlebury, Indiana deems it in the public interest, and for the betterment of the Town of Middlebury, that it prohibit the discharge of firearms and cannons, and the detonation of explosives, within or into the corporate limits of the Town of Middlebury, except as hereinafter more specifically provided;

WHEREAS, the Town Council of Middlebury, Indiana desires to impose penalties for any such unlawful discharge or detonation;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED by the Town Council of the Town of Middlebury, Indiana, as follows:

Section 1. Prohibition on Discharging Firearms and Cannons, and on Detonation of Explosives. It shall be unlawful for any person:

(a) to discharge any firearm or cannon; or

(b) to detonate any explosives; or

(c) to assist any other person or persons to engage in any such discharge or detonation;

At, from, to, or into, or directed at, any place or location within the corporate boundaries of the Town of Middlebury, Indiana, unless such person so discharging or detonating, or so assisting other person or persons, has been granted specific, written permission by the Town Council of Middlebury, Indiana for such discharge, detonation, or assistance; provided, however, that such prohibition and designation or unlawfulness shall not apply to the following:

(i) Any law enforcement officer who shall so discharge a firearm in the lawful performance of his/her duties;

(ii) Any person who shall so discharge a firearm in a shooting gallery licensed pursuant to regulations established or to be established by the Town Council of Middlebury, Indiana;

(iii) Any person who shall so discharge a firearm in the protection of his/her life or property when the surrounding facts and circumstances justify such action; or

(iv) Any person who shall discharge a firearm or cannon, or detonate any explosives, or who shall assist any other person or persons to engage in such discharging or detonation, during ceremonial occasions approved, in writing, by the Town Council of Middlebury, Indiana.

Section 2. Definitions. The following definitions shall apply under this Ordinance:

A. Firearm: A firearm is defined as is a weapon or device capable of firing projectiles or missiles, to include a pistol, handgun, shotgun, rifle, or any type of gun, using any type of explosive charge as a propellant.

B. Cannon: A cannon is defined as a weapon or device capable of firing projectiles or missiles, using a tube or other device through which the projectile or missile is fired using any type of explosive charge as a propellant.

C. Explosive: A explosive is defined as a substance, to include a prepared chemical, gun powder, or any other material, that explodes or causes an explosion, and shall include, but not be limited to substances used to cause or precipitate the explosive charge serving as a propellant for a firearm and/or cannon.

Section 3. Violation; Penalty. Any person engaging in any of the unlawful activities described in Section 1 above shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Thousand Dollars (\$1,000.00), and shall be responsible for all court costs or other assessments pertaining to any prosecution.

Section 4. Prior Ordinances; Conflict. Any and all ordinances or parts of ordinances of the Town of Middlebury, Indiana in conflict with this Ordinance, to the extent of any such conflict or conflicts, are herewith repealed and/or replaced by this Ordinance.

Section 5. Severability. The provisions of this Ordinance shall be severable, and if any provision or portion thereof shall be determined to be illegal, the remainder of the Ordinance shall remain in full force and effect.

Section 6. Publication. The Clerk-Treasurer of the Town of Middlebury, Indiana shall be, and she hereby is, authorized and directed to publish notice of the adoption of this Ordinance two (2) times, one (1) week apart in *The Middlebury Independent* as required by law.

Section 7. Effective Date. This Ordinance shall become effective on April 1, 1996, provided that the publication required by law has been completed by such date; should such publication not have been so completed, the effective date of this Ordinance shall be such date after April 1, 1996 as such publication as required by law shall have been completed.

Passed and adopted by the Town Council of Middlebury, Indiana on the 4<sup>th</sup> day of March, 1996

TOWN COUNCIL OF MIDDLEBURY, INDIANA

By \_\_\_\_\_  
Richard D Hochstetler, President and Presiding  
Officer

Attest:

\_\_\_\_\_  
Dolores Weaver  
Clerk-Treasurer