

04/30/2010

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 74-108 OF ARTICLE II, DIVISION 3, OF CHAPTER 74, PARKS AND RECREATION, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY THE REGULATION OF FIREARMS IN CITY PARKS, REPEAL INCONSISTENT OR CONFLICTING ORDINANCES, AND PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 74-108 of Chapter 74, Article II of the Code of Ordinances shall be amended, as follows:

Sec. 74-108. Firearms and weapons.

It shall be unlawful to ~~bring in, have or use~~ discharge any firearm, air rifle, airgun, or any other weapon that ~~discharges-propels~~ projectiles by any means in a park. However, this section shall not apply to any authorized peace officer while carrying out the duties of his position, nor to any individual who discharges a firearm in lawful self-defense or the lawful defense of another individual.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, 2010, following its publication in the *Rochester Post* on _____, 2010.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2010.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2010.

Jane Leslie, Clerk
City of Rochester Hills