

ORDINANCE NO. ORD-16-22

First Reading: October 17, 2016
Public Hearing: November 14, 2016

Approved: November 14, 2016
Published: November 18, 2016
Effective: November 28, 2016

WEAPONS AND EXPLOSIVES

An Ordinance to Amend Sections 9:261, 9:262, 9:263, 9:269 and 9:274 of Chapter 115 (Weapons and Explosives) of Title IX of the Code of the City of Ann Arbor
The City of Ann Arbor Ordains:

Section 1. That Section 9:261 of Chapter 115 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:261. - Definitions.

The following definitions shall apply for purposes of this chapter:

- (1) *Explosive* means explosive as defined in the Fire Prevention Code of the City of Ann Arbor.
- (2) *Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive pistol, rifle, shotgun, short-barrelled shot gun or short-barrelled rifle as defined in P.A. 1931, No. 328 as amended being Section 750.222 of the Michigan Compiled Laws. A pneumatic gun, as defined in P.A. 1990, No. 319 as amended being Section 123.1101 of the Michigan Compiled Laws, other than a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact, is also considered a firearm for purposes of this Chapter.
- (3) *Fireworks* means fireworks as defined by the Fire Prevention Code of the City of Ann Arbor.
- (4) *Licensed dealer* means a person licensed under Section 923 of Chapter 44 of Title 18 of the United States Code who regularly buys and sells firearms as a commercial activity with the principal objective livelihood and profit.
- (5) *Pistol* means the term defined as pistol in P.A. 1913, No. 328 as amended being Section 750.222 of the Michigan Compiled Laws.
- (6) *Public place* means any street, sidewalk, alley, park, government-owned or government-controlled building, common hallway or public room of any place of business or assembly open to the public, common hallway or public room of any dwelling of greater than 2 units, and any other place to which the public has lawful access.
- (7) *Weapon* means any air pistol, air rifle, slingshot, airbow, crossbow, bow, firebomb, bomb, nun-chuk, or throwing star, but shall not include antique guns not in operating condition.

- (8) *Nun-chuk* means a martial arts device consisting of 2 sticks, pipes, or bars connected by a chain, rope, or other flexible connector.
- (9) *Throwing star* means a martial arts device made from a thin, flat, rigid piece of metal in the shape of a star or other symmetrical shape, with sharpened edges or points or with edges or points that may be sharpened.

Section 2. That Section 9:262 of Chapter 115 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:262. - Possession of weapons or firearms in public places.

- (1) Possession of weapons or firearms in public places shall be governed by State law. ~~A person shall not possess any weapon in any public place, with the following exceptions:~~
 - ~~(a) A law enforcement officer of any governmental unit may possess a weapon to the extent that such possession is required for the performance of lawful duties.~~
 - ~~(b) A person may possess a weapon when in connection with a regularly scheduled educational, recreational, or training program under adequate supervision.~~
 - ~~(c) An established dealer in weapons or repairer of weapons may possess weapons in the place of business for purposes of making lawful sale or repair of the weapons.~~
 - ~~(d) The proprietor of a place of business, or the proprietor's duly authorized agent, may possess a weapon in the place of business for purposes of protecting the place of business.~~
 - ~~(e) A person may possess a weapon for purposes of transporting the weapon to any location where it may lawfully be possessed under this ordinance; provided, however, that when being transported, the weapon shall be encased, and, in the case of guns, shall be unloaded, except in the case of BB guns.~~
 - ~~(f) A person may possess a weapon under the provisions of a valid state permit for the carrying of a concealed weapon.~~
- (2) A person may possess a weapon to the extent that such possession is necessary in connection with a federal or state permit relating to a wildlife control protocol approved by the City Council of the City of Ann Arbor. ~~Except as provided in subsection (3) a person shall not possess a firearm on the premises of any of the following:~~
 - ~~(a) A depository financial institution or a subsidiary or affiliate thereof.~~
 - ~~(b) A church or other house of religious worship.~~
 - ~~(c) A school.~~
 - ~~(d) A court.~~
 - ~~(e) A theatre.~~

- ~~(f) A sports arena.~~
- ~~(g) A day care center.~~
- ~~(h) A hospital.~~
- ~~(i) An establishment licensed under the Michigan liquor control act, Act No. 8 of the Public Acts of the Extra Session of 1933, being Sections 436.1 to 436.68 of the Michigan Compiled Laws.~~
- ~~(3) Subsection 9:262(2) does not apply to any of the following:~~
 - ~~(a) A person who owns, or is employed by or contracted by, an entity described in subsection (2) if the possession of that firearm is to provide security services for that entity.~~
 - ~~(b) A peace officer lawfully performing his or her duties as a peace officer.~~
 - ~~(c) A person licensed by this state or another state to carry a concealed weapon.~~
 - ~~(d) A person who possesses a firearm in a school for purposes of providing or receiving instruction in firearms safety.~~
 - ~~(e) A person who possesses a firearm on the premises of an entity described in subsection (2) if that possession is for purposes of display or exhibition and with the permission of the owner or an agent of the owner of that entity.~~

Section 3. That Section 9:263 of Chapter 115 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:263. - Discharge of weapons.

No person shall discharge any weapon or firearm within the city except in connection with a regularly scheduled educational, recreational, or training program under adequate supervision, or in connection with the performance of lawful duties of law enforcement, or pursuant to a permit issued by a federal or state agency in connection with a wildlife control protocol approved by the City Council of the City of Ann Arbor, or otherwise allowed by law.~~with the protection of person or property when confronted with deadly force.~~

Section 4. That Section 9:269 of Chapter 115 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:269. - Brandishing firearm in public.

- (1) Except as provided in subsection (2), a person shall not knowingly brandish a firearm in public.
- (2) Subsection (1) does not apply to any of the following:

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- (a) A peace officer lawfully performing his or her duties as a peace officer.
- (b) A person lawfully engaged in hunting.
- (c) A person lawfully engaged in target practice.
- (d) A person lawfully engaged in the sale, purchase, repair, or transfer of that firearm.
- (e) A person acting pursuant to a permit issued by federal or state agency in connection with a wildlife control protocol approved by the City Council of the City of Ann Arbor.

Section 5. That Section 9:274 of Chapter 115 of Title IX of the Code of the City of Ann Arbor be amended to read as follows:

9:274. - Transportation or possession of firearm, crossbow and bows and arrows in a motor vehicle or self-propelled vehicle.

Except as otherwise permitted by law, regulation or permit, a person shall not transport or possess in or upon a motor vehicle or self-propelled vehicle designed for land travel a firearm, other than a pistol, unless the firearm is unloaded and is 1 or more of the following:

- (a) Taken down.
- (b) Enclosed in a case.
- (c) Carried in the trunk of the vehicle.
- (d) Inaccessible from the interior of the vehicle.

while that vehicle is operated on a highway, road or street.

Except as otherwise permitted by law, regulation or permit, a person shall not transport or possess in or upon a motor vehicle or self-propelled vehicle designed for land travel a crossbow or bow and arrows, unless:

- (a) All arrows are in a quiver
- (b) The bow is enclosed in a case or unstrung or carried in the trunk of a vehicle while that vehicle is operated on a highway, road or street

Section 6. Severability. In the event any court of competent jurisdiction shall hold any provision of this Ordinance invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Section 7: Effective Date. This Ordinance shall take effect on the tenth day following legal publication.

CERTIFICATION

I hereby certify that the Council of the City of Ann Arbor, Michigan, adopted the foregoing ordinance at its regular session of November 14, 2016.

Jacqueline Beaudry, City Clerk

Date

Christopher Taylor, Mayor

I hereby certify that the foregoing ordinance received legal publication on the City of Ann Arbor webpage on November 18, 2016.

Jacqueline Beaudry, City Clerk