

**BEFORE THE MAYOR AND CITY COUNCIL OF
THE CITY OF ALBION, IDAHO
ORDINANCE NO. 2016-11-01**

AN ORDINANCE WHEREBY THE CITY OF ALBION, IDAHO REPEALS TITLE 9, CHAPTER 4, SECTION 1 REGARDING GENERAL OFFENSES – WEAPONS; AND ADOPTING AMENDED SECTION 9-4-1: FIREARMS, WEAPONS, AND DISCHARGE PROHIBITION; PROVIDING FOR DEFINITIONS OF DISCHARGEABLE INSTRUMENT AND FIREARM; PROVIDING FOR PROHIBITION OF DISCHARGE FOR FIREARMS WITHIN THE CITY LIMITS, EXCEPT FOR OFFICERS OF LAW IN PERFORMANCE OF DUTY, OR PERSON LAWFULLY DEFENDING PERSONS OR PROPERTY OR LAWFUL DISCHARGE ON APPROVED SPORTING RANGE; PROVIDING FOR PROHIBITION OF DISCHARGE OF DISCHARGEABLE INSTRUMENT ON PUBLIC RIGHT OF WAY, PUBLIC PARKS OR PUBLIC PROPERTY, UNLESS AUTHORIZED; PROVIDING FOR ABILITY TO GAIN PERMIT FROM CITY COUNCIL TO DISCHARGE CERTAIN INSTRUMENTS, SUBJECT TO CONDITIONS; AND PROVIDING FOR A PENALTY FOR VIOLATION AT MISDEMEANOR LEVEL, INCLUDING FINE AND/OR IMPRISONMENT UPON CONVICTION; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR REPEAL OF ALBION ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Mayor and the City Council of the City of Albion, Idaho, that the following repeals and amendments of codes and provisions are hereby adopted for the City of Albion, State of Idaho:

FIRST: That Title 9, Chapter 4, Section 1 of the Albion City Code for General Offenses – Weapons regulations, be and hereby is amended as set forth hereafter.

SECOND: That the current Albion City Code, 9-4-1, to-wit:

9-4-1: WEAPONS:

(A) Use of Bow and Arrow: It shall be unlawful for any person to dislodge an arrow from a bow within the City Except at a duly established archery range, or approved private property.

(B) Discharge of Air Guns Unlawful: It shall be unlawful for any person to fire or discharge any air rifle or air pistol, BB or pellet gun, within the corporate limits of the City.

(C) Use or Discharge of Sling Unlawful: It shall be unlawful for any person to use, operate or discharge any sling shot or other device of a like nature within the corporate limits of the City.

Be and hereby is repealed in its entirety.

THIRD: That the following language for Albion City Code Section 9-4-1, be and hereby is adopted as the City of Albion's regulations of Firearms, Weapons, and Discharge Prohibitions:

9-4-1: **FIREARMS, WEAPONS, DISCHARGE PROHIBITION:**

9-4-1-1: **DEFINITIONS:** For purposes of this chapter the following terms shall be defined as follows:

"DISCHARGEABLE INSTRUMENT": An instrument used in the propulsion of shot, BB, pellet, blow dart, or other projectile through the action of release of pressurized gas, compressed air, expanding gas, accelerant, spring, or other force producing means including, but not limited to: air rifles, spring guns, wrist rockets, airsoft guns, BB guns, pellet guns, paintball guns, rockets having a propellant charge of more than four (4) ounces, firearms, bows, compound bows, and recurve bows.

"FIREARM": A weapon or instrument used in the propulsion of shot, shell, bullets, or other projectile by the action of gunpowder exploded within it.

9-4-1-2: **PROHIBITED DISCHARGE:** It shall be unlawful to discharge:

A. Any firearm within the limits of the City of Albion; provided, however, that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty, or a person from discharging a firearm in the lawful defense of person or persons or property, or a person from discharging a firearm on an approved sporting range as defined by section 55-2604, Idaho Code.

B. Any dischargeable instrument upon or within the public right-of-way, public parks and other public property and ways, except at such locations and at such times as may be authorized for such purposes by the city council.

9-4-1-3: **PERMITS:** Notwithstanding any other provision of this chapter, the city council may grant permits to persons or businesses permitting the discharge of air guns, flippers, wrist rockets, bows and arrows, pistols or firearms within the city limits, subject to any specific conditions and rules that the council may require.

9-4-1-4: **PENALY FOR VIOLATION:** Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1000.00) or be imprisoned in the County jail for a period not exceeding six (6) months or by both such fine and imprisonment.

FOURTH: The provisions of this ordinance are severable, therefore, should any section or portion thereof be declared invalid by a court of competent jurisdiction, the remaining portions of this ordinance shall continue in full force and effect.

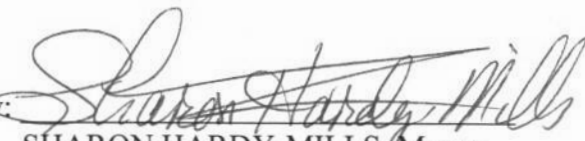
FIFTH: This ordinance specifically repeals any ordinance of the City of Albion that is in conflict herewith.

SIXTH: This ordinance shall take effect and be in full force from and after passage, approval and publication, as by law provided.

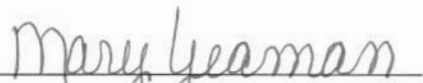
PASSED this 1st day of November, 2016, by the City Council of the City of Albion, Idaho, on roll call vote, as recorded in the minutes of the Council.

APPROVED this 1st day of November, 2016, by the Mayor of the City of Albion, Idaho.

CITY OF ALBION, IDAHO

By: 
SHARON HARDY-MILLS, Mayor

Attest:

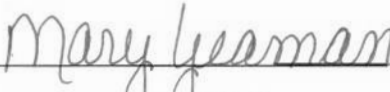
By: 
Mary Yeaman, City Clerk

CERTIFICATION

I, Mary Yeaman, the duly appointed Clerk for the City of Albion, Idaho do hereby certify that the foregoing document is a true and correct copy of Ordinance No. 2016-11-01, adopted by the Mayor and City Council of Albion, Idaho, on the 1st day November, 2016 and that the original of said document is in my possession as part of the permanent minutes of the City Council of the City of Albion, Idaho.

Dated this 1st day of November, 2016.

Clerk of the City of Albion, Idaho



Mary Yeaman, Clerk

SUMMARY OF ORDINANCE

City of Albion Ordinance No. 2016-11-01

ARTICLE 1: SUMMARY OF PROVISIONS:

AN ORDINANCE WHEREBY THE CITY OF ALBION, IDAHO REPEALS TITLE 9, CHAPTER 4, SECTION 1 REGARDING GENERAL OFFENSES – WEAPONS; AND ADOPTING AMENDED SECTION 9-4-1: FIREARMS, WEAPONS, AND DISCHARGE PROHIBITION:

1. Providing for definitions of dischargeable instrument and firearm;
2. Providing for prohibition of discharge for firearms within the city limits, except for officers of law in performance of duty, or person lawfully defending persons or property or lawful discharge on approved sporting range;
3. Providing for prohibition of discharge of dischargeable instrument on public right of way, public parks or public property, unless authorized;
4. Providing for ability to gain permit from city council to discharge certain instruments, subject to conditions;
5. Providing for a penalty for violation at misdemeanor level, including fine and/or imprisonment upon conviction;
6. Providing for severability of provisions; and
7. Providing for repeal of albion ordinances in conflict herewith; and
8. Providing an effective date.

ARTICLE 2: FULL TEXT AVAILABILITY

The full text of the City of Albion Ordinance No. 2016-11-01 adopting the amending provisions as above summarized is available at the Albion City Office, 225 South Main Street, Albion, Idaho.

A copy of this Ordinance No. 2016-11-01 will also be provided to any citizen, upon personal request during usual City Office business hours, Monday through Friday, excepting City recognized holidays.

ARTICLE 3: EFFECTIVE DATE

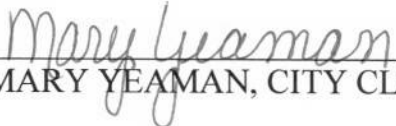
This ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

DATED this 1ST day of November, 2016.

CITY OF ALBION, IDAHO

By: 
SHARON HARDY-MILLS, MAYOR

ATTEST:

By: 
MARY YEAMAN, CITY CLERK

CITY ATTORNEY'S STATEMENT
Summary of Albion City Ordinance 2016-11-01

I, the undersigned City Attorney for Albion, Idaho hereby certify that the foregoing Summary of Ordinance 2016-11-01, an Ordinance of the City of Albion, Idaho adopting various amendments to Albion City Code, Title 3, Chapter 5, regarding Firearms, Weapons and Discharge Prohibition regulations is a true and complete summary of said ordinance, as is required by Idaho Code section 50-901A, and provides adequate notice to the public of said provisions.

DATED this 1st day of November, 2016.

City Attorney for Albion, Idaho

Kerry D. McMurray