

ORDINANCE #11-03

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING CHAPTER 30-OFFENSES, OF THE TOWN'S CODE OF ORDINANCES, BY REPEALING SECTION 30-3, DISCHARGE OF WEAPONS, IN ITS ENTIRETY; PROVIDING AUTHORITY TO CODIFY; PROVIDING A CONFLICTS CLAUSE, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, by Chapter 2011-109, Laws of Florida, the Florida Legislature amended Section 790.33, Florida Statutes, in order to preempt the whole field of the regulation of firearms and ammunition; and

WHEREAS, Chapter 2011-109 declares all ordinances and regulations that have been enacted by municipalities which regulate firearms, ammunition or components thereof to be null and void; and

WHEREAS, the Town Council finds it to be in the public interest to repeal Section 30-3, Discharge of Weapons, in order to comply with State Law.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AS FOLLOWS:

Section 1. Chapter 30-OFFENSES of the Code of Ordinances is hereby amended by repealing Section 30-3. Discharge of Weapons. in its entirety as follows:

~~Section 30-3. Discharge of weapons.~~

~~(a) *Prohibiting discharging.* No person shall fire, discharge or operate any revolver or pistol of any description, shotgun, rifle or other firearm, or any air gun, BB gun, gas-operated gun or spring-generated gun within the Town.~~

~~(b) *Exemptions.* The prohibition set forth in this section shall not be construed to forbid the use or possession of such weapons by any federal, state, county or town law enforcement officer in the proper discharge of his duties.~~

Section 2. The provisions of this Ordinance will be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section, article, or any other appropriate word."

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. If any section, paragraph, clause, phrase, or word of this Ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative or void, such holdings shall not affect the remainder of this Ordinance.

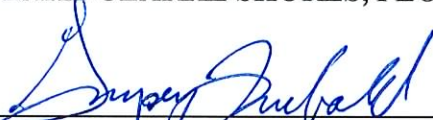
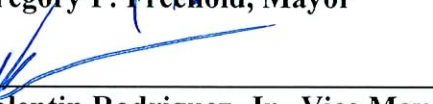
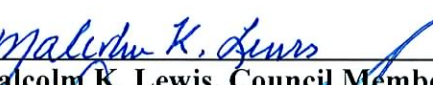

Section 5. This Ordinance shall become effective immediately upon adoption, as provided by Florida law.

PASSED this 6th day of September, 2011, on first reading.

PUBLISHED this 8th day of September, 2011 in Coastal Observer.

PASSED AND ADOPTED this 20th day of September, 2011, on second and final reading.

TOWN OF LAKE CLARKE SHORES, FLORIDA

	FOR	AGAINST
By: <u></u> Gregory P. Freehold, Mayor	<u> r </u>	<u> </u>
<u></u> Valentin Rodriguez, Jr., Vice Mayor	<u> / </u>	<u> </u>
<u>absent</u> Thomas C. Mayes, Jr., President Pro Tem	<u> </u>	<u> </u>
<u></u> Malcolm K. Lewis, Council Member	<u> x </u>	<u> </u>
<u></u> Robert M. W. Shalhoub, Council Member	<u> / </u>	<u> </u>

Attested:


Mary Pinkerman, Town Clerk
Ordinance #11-03
Sponsored by: The Town Council