

**40.100**

**WEAPONS ORDINANCE  
VILLAGE OF MANCELONA, MICHIGAN**

40.101 Section 1. **TITLE.**

This Chapter shall be known as the Village of Mancelona Weapons Ordinance.

40.102 Section 2. **PURPOSE AND INTENT.**

This Chapter is adopted so that the Village Council of Mancelona may promote the public health, safety, and general welfare within the Village through the prohibition and regulation of the discharge of firearms, bows, and crossbows. By prohibiting the discharge of firearms and by regulating the discharge of bows and crossbows, the Mancelona Village Council seeks to prevent bodily injury, death, property damage, and other nuisances within the Village limits.

40.103 Section 3. **DEFINITIONS.** As used in this Chapter,

“Air Gun” means any implement, designed as a gun, that will expel a BB or pellet with a caliber less than .177 by spring, gas, or air.

“Bow” means a flexible strip of wood or other material, bent by a string stretched between its ends, capable of propelling an arrow.

“Crossbow” means a weapon capable of propelling an arrow consisting of a bow fixed transversely on a stock, the string of which is released by a trigger mechanism.

“Firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy or force generated by an explosion or burning substance or any device readily convertible to that use. The term “firearm” includes but is not limited to guns, handguns, machine guns, rifles, shotguns, automatic rifles, revolvers, and pistols.

“Person” means any human individual or corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

“Pest Animal” means any of the following: a squirrel, opossum, chipmunk, rat, porcupine, groundhog/woodchuck, rabbit, raccoon, and skunk regardless of whether it is causing physical damage on property.

“Public Place” means any place to which the public or a substantial group of the public has access and includes, but is not limited to, parks, streets, highways, and the common areas of schools, hospitals, apartments, office buildings, transport facilities, and shops.

“Public Right-of-Way” means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the Village has an interest.

“Target” means an inanimate object capable of safely absorbing an arrow discharged or shot from a bow or crossbow without allowing the arrow to pass completely through the object.

“Village” means the Village of Mancelona, located in Antrim County, Michigan.

“Village Limits” means the incorporated municipal boundaries of the Village of Mancelona.

40.104. Section 4. **DISCHARGE OF CERTAIN WEAPONS.**

- (a). No person shall discharge, fire or shoot any firearm within the village limits.
- (b). No person shall discharge, fire or shoot any air gun within the village limits, except when both of the following are met:
  - (1). The purpose of discharging, firing, or shooting the air gun is to kill a pest animal, as defined in this Ordinance.
  - (2). The discharging, firing, or shooting of the air gun is not in any public place, on or across any public right-of-way or onto the property of any other person.
- (c). No person shall discharge or shoot any bow or crossbow in any public place, on or across any public right-of-way or onto the property of any other person.
- (d). No person shall discharge or shoot any bow or crossbow on private property within the village limits, except at a target as defined in this Chapter and when such discharging or shooting can be done without violating subsection (c) above.

40.105. Section 5. **EXCEPTIONS.** Section 4 of this Chapter, 40.104, shall not apply to:

- (a). Licensed law enforcement officers, provided that such discharges are made in the course and scope of the law enforcement officer’s official duties.
- (b). The use of blank cartridges for a theatrical production, a military ceremony, or a sporting event approved by the Mancelona Police Department or other approved law enforcement agency.
- (c). Duly designated animal control officers destroying sick, injured, or predatory animals on public or private property.

(d). A person in the lawful exercise of self-defense or the defense of others.

#### 40.106 Section 6. **PENALTIES.**

- (a). Misdemeanor; penalties. Any person who knowingly violates Section 4(a), 40.104(a) or Section 4(b), 40.104(b), of this Chapter shall be guilty of a misdemeanor punishable by a fine of not more than \$500.00 and/or by imprisonment in the county jail for not more than ninety days.
- (b). Municipal Civil Infractions; penalties. Any person who violates Section 4(c), 40.104(c), of this Chapter shall be responsible for a municipal civil infraction as defined in Public Act 12 of 1994, amending Public Act 236 of 1961, being sections 600.101-600.9939 of Michigan Compiled Laws and shall be subject to a fine of not more than \$500.00.
- (c). Each day this Chapter is violated shall be considered a separate violation.

#### 40.107 Section 7. **ENFORCEMENT OFFICIALS.**

Officers of the Mancelona Village Police Department and other village officials designated by the village council are hereby authorized to issue municipal civil infraction citations under this Chapter directing offenders to appear in court.

#### 40.108 Section 8. **NUISANCE PER SE.**

A violation of this Chapter is hereby declared to be a nuisance per se and is declared to be offensive to the public health, safety and welfare.

#### 40.109 Section 9. **SEPARATE COURT ACTION.**

In addition to enforcing this Chapter through the use of a municipal civil infraction proceeding or a criminal prosecution, the Village may initiate proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of this Chapter.

#### 40.110 Section 10. **SEVERABILITY.**

If any section, provision or clause of this Chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not effect any remaining portions or application of this Chapter, which can be given effect without the invalid portion or application.

#### **Section 2. Effective Date.**

This Ordinance shall become effective twenty (20) days after its enactment.