

ORDINANCE 2022-05

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, AMENDING ARTICLE I. IN GENERAL OF CHAPTER 30-MISCELLANEOUS PROVISIONS AND OFFENSES, BY CREATING A NEW SECTION 30-05.-AIR GUNS. PROHIBITING THE DISCHARGE OF AN AIR RIFLE OR AIR GUN IN, ON, ACROSS FROM OR INTO ANY PUBLIC PROPERTY WITHIN THE TOWN; PROVIDING FOR EXCEPTIONS; PROVIDING FOR PENALTIES; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the citizens of the Town of Lake Clarke Shores have expressed concern for their safety due to the discharging air guns in, on, across, from or into public property within the Town; and

WHEREAS, the citizens of the Town of Lake Clarke Shores have expressed further concerns for the safety of their homes and property due to the discharging air guns in, on, across, from or into public property within the Town; and

WHEREAS, the Town Council of the Town of Lake Clarke Shores finds that the foregoing concerns of the citizens are valid and require action through the police powers of the Town of Lake Clarke Shores by adoption of an ordinance to prohibit the discharging air guns in, on, across, from or into public property within the Town; and

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

SECTION 1. Article I. In General of Chapter 30-Miscellaneous Provisions and Offenses of the Code of Ordinances of the Town of Lake Clarke Shores is hereby amended by adding a new Section 30-05.-Air Guns. to read as follows:

Section 30-05. - Air Guns.

1. It shall be unlawful for any person to discharge, fire or shoot an air rifle or air pistol in, on, across, from, or into the public parks, or the public streets, or the public waterways, or any public property within the Town. An air rifle or air pistol is defined as any gun or devise which shoots a bullet, shot or pellet, or other projectile by means of air, CO2 cartridge, spring or bands.
2. Any person who knowingly discharges an air rifle or air pistol in violation of this section shall be guilty of a misdemeanor of the first degree punishable as provided in F.S. Section 775.082 or 775.083.

3. This section shall not apply to firearms as regulated by F.S. ch.790. This section shall not apply to any person lawfully defending life or property or to any law enforcement officer when acting in the course and scope of their official duty.

SECTION 2. This Ordinance shall be made a part of the Code of Ordinances of the Town of Lake Clarke Shores, Florida. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such and the word “ordinance” may be changed to “section”, “article” or to any other appropriate word in the Town’s Code of Ordinances.

SECTION 3. If any section, paragraph, sentence, 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 holding shall not affect the remainder of the Ordinance.

SECTION 4. The provisions of this Ordinance shall become effective immediately upon adoption.

PASSED AND ADOPTED this ___ day of _____, 2022, on first reading.

PUBLISHED the ___ day of _____, 2022, in the _____.

PASSED AND ADOPTED this ___ day of _____, 2022, on second and final reading.

TOWN OF LAKE CLARKE SHORES, FLORIDA

	FOR	AGAINST
BY: _____ Paul R. Shalhoub, Mayor	_____	_____
_____	_____	_____
Robert M. W. Shalhoub, Vice Mayor	_____	_____
_____	_____	_____
Gregory Freebold, President Pro Tem	_____	_____
_____	_____	_____
Valentin Rodriguez, Jr., Council Member	_____	_____
_____	_____	_____
Robert O. Gonzalez, Council Member	_____	_____

ATTEST:

BY: _____
Mary Pinkerman, CMC, Town Clerk