

City of Diamondhead, MS  
**Request for Council Action**

**TO:** Honorable Mayor and Members of Council  
**FROM:** City Manager

Ordinance    Resolution    Agreement/Contract    Info Only    Work Session Only  
 Consent Agenda    Regular Agenda    Presentation/Appointment

**AGENDA DATE REQUESTED:**

June 3 or June 17, 2014

<p><b><u>ORDINANCE/RESOLUTION CAPTIONS or ISSUE:</u></b> Amendment to current Noise Ordinance 2012-021 adding item "C. (14) All fireworks and firearm discharge noise." or issue new ordinance for weapons discharge.</p> <p>If we are to write a new ordinance, I have attached a suggestion.</p>
<p><b><u>SUMMARY BACKGROUND:</u></b> Currently, there is no ordinance governing the discharge of firearms within the city limits of Diamondhead. There is a noise restriction in place by the POA concerning firearms discharge noise with violation penalties listed in the handbook. The POA Security can't enforce this unless it is on their amenity property. The Diamondhead City Police have no ordinance to enforce either the noise nor the discharge danger.</p>
<p><b><u>IMPACT IF DENIED:</u></b> Firearms discharges continue.</p>
<p><b><u>IMPACT IF APPROVED:</u></b> The violation penalty can be enforced. Safety and comfort of the citizens will be in place.</p>
<p><b><u>FINANCIAL IMPACT:</u></b> None</p>

**REQUIRED SIGNATURES**

**REQUESTED BY:**

*Ronald Rech, Councilman*

**City Manager:**

**City Attorney:**


**COUNCIL ACTION:**

*Approved*    *Denied*    *Tabled/Deferred*    *Info Only*

**Completed:**

**WEAPONS DISCHARGE ORDINANCE  
FOR THE CITY OF DIAMONDHEAD, MISSISSIPPI**

**FOR THE CITY OF DIAMONDHEAD, MISSISSIPPI**

WHEREAS, the Mayor and City Council of the City of Diamondhead, Mississippi, find that a need exists to create and maintain a safe, secure and stress-free environment for the citizens of Diamondhead;

WHEREAS, loud noises and explosions are not conducive to a relaxed suburban community, let alone unsafe ;

WHEREAS, the Mayor and City Council are authorized to establish said rules and regulations pursuant to Mississippi Code;

AND WHEREAS, that authority granted by statute to the Mayor and City Council is for the purpose to secure the general health, safety and welfare of the community,

**BE IT, THEREFORE, ORDAINED BY THE MAYOR AND CITY COUNCIL**

as follows:

It shall be unlawful for any person to shoot or discharge any target gun, air gun, pellet gun, BB gun, sling shot, or any kind of firearms within the City limits of Diamondhead other than in the defense of their home, person or property, or in the aid of the civil power when lawfully summoned thereto.

*Definitions:* As used in this article the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended.

*City* means the City of Diamondhead

*Firearms* means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, shotgun, machine gun, target gun, air gun, pellet gun, BB gun, or sling shot which can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor is a firearm.

*Special event* means a pre-arranged and scheduled event sponsored by a local civic organization or a charitable, not-for-profit association to which its members and members of the public are invited to attend and/or participate.

*Exceptions.* It shall not be a violation of this article to discharge a firearm under the following conditions:

- (1) In the protection of life.
- (2) Law enforcement officers in the performance of their duties.
- (3) During the course and performance of a special event or series of special events sponsored by a civic organization or other charitable, not-for-profit association in the City of Diamondhead. In order to qualify under this exception, said organization or association must apply for a permit from the City Manager of the City of Diamondhead at least 30 days prior to the commencement of said special event or at least 30 days prior to the commencement of the first special event in a series of scheduled special events which are to be conducted over a 60-day time frame. Said permit application shall set out the organization or association's intent to sponsor a special event and shall provide the following information:
  - a. Time and date,
  - b. Location,
  - c. Scope of activities involving the discharge of firearms,
  - d. Name of the supervisor of the special event and supervisor of the discharge of firearms activity,
  - e. Proof of insurance in the form of a declarations page, certificate of insurance, or other similarly reliable document showing liability limits of at least \$1,000,000.00 covering said special event.

The City Manager has the right to deny the request of any organization or association if the foregoing information is not provided within the time prescribed or if additional information is requested by the City Manager and is not provided by the organization or association. Once an application has been filed, the City Manager will have the right, but not an obligation, to inspect the premises upon which the event will be conducted. Alternatively, the City Manager may deny the request of any organization or association if, after having the site inspected and/or reviewing the information submitted, safety precautions are not in place to prevent accidental bodily injury or property damage due to the discharge of firearms.

*Violations.* Any person violating the terms and provisions of this Ordinance, not otherwise specified, shall be found guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500.00).

Immediate Passage and effect of this Ordinance is needed for the immediate and temporary preservation of the public peace and safety in accordance with Miss. Code§ 21-13-11 (Rev. 2007). Thus, this Ordinance was moved for adoption by Councilmember \_\_\_\_\_, seconded by Councilmember \_\_\_\_\_, is adopted by unanimous vote of all members of the City Council of the City of Diamondhead and is effective from and after its passage by a unanimous vote

of all members of the City Council. In accordance with Miss. Code Ann. § 21-13-11 (Rev. 2007), this Ordinance shall become effective immediately upon the adoption thereof, and prior to being recorded and published in the ordinance book in the same manner as required by state law of other ordinances.

SO ORDAINED, this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

	Aye	Nay	Absent
Councilmember Lopez	_____	_____	_____
Councilmember Lafontaine	_____	_____	_____
Councilmember Rech	_____	_____	_____
Councilmember Sislow	_____	_____	_____
Councilmember Knobloch	_____	_____	_____
Mayor Schafer	_____	_____	_____

(seal)

ATTEST:

\_\_\_\_\_  
Kristin Ventura, City Clerk

(tab over)

APPROVED:

\_\_\_\_\_  
Mayor Thomas Schafer, IV