

ARTICLE VI. OFFENSES AGAINST PUBLIC SAFETY

DIVISION 2. FIREARMS*

***Editor's note:** Ord. No. 435, §§ 1, 2, adopted Oct. 13, 2004, amended div. 2 in its entirety and enacted similar provisions as set out herein. The former div. 2, titled Weapons, derived from Ord. No. 322, § 2, adopted Nov. 21, 1983.

State law references: Firearms and weapons, MCL 28.421 et seq., 750.222 et seq.

Sec. 15-181. Purpose.

The control of the discharge of firearms in the township is declared to be in the interest of public safety and the general welfare of the township and its residents.

(Ord. No. 435, §§ 1, 2, 10-13-04)

Sec. 15-182. Definitions.

(a) *Firearm* means any weapon or device from which is propelled any missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of springs, levers or other mechanical device.

(b) *Dwelling* means a facility habitually used by one (1) or more individuals as a place of abode, whether or not an individual is present in the facility.

(c) *Occupied structure* means a facility in which one (1) or more individuals are present.

(Ord. No. 435, §§ 1, 2, 10-13-04)

Sec. 15-183. Violation/misdemeanor.

Any person who shall recklessly or heedlessly or willfully or wantonly use, carry, handle or discharge any firearm without due caution and circumspection for the rights, safety or property of others shall be guilty of a misdemeanor and upon conviction be fined not more than five hundred dollars (\$500.00) or be imprisoned for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the court.

(Ord. No. 435, §§ 1, 2, 10-13-04)

Sec. 15-184. Presumption of violation.

A violation of this division is presumed if a person discharges a firearm in any of the following circumstances:

(a) Within four hundred fifty (450) feet of a dwelling or occupied structure, which is not owned or occupied by the person discharging the firearm.

(b) Within four hundred fifty (450) feet of an area in which one (1) or more persons are actually or usually present, and the discharge of a firearm near the area would reasonably cause apprehension or danger to such persons.

(c) Upon or across any public road or highway within the township; or across adjacent property, without the express written permission of the property owner of said property.

(Ord. No. 435, §§ 1, 2, 10-13-04)

Sec. 15-185. Exemptions.

This division does not apply to:

(a) A law enforcement officer who is authorized to carry a firearm while in the official performance of his or her duties, and who is in the performance of those duties. As used in this subsection, "law enforcement officer" means a person who is regularly employed as a member of a duly authorized police agency or other organization of the United States, this state, or a city, county, township, or village of this state, and who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state.

(b) Persons discharging firearms at a range or location specifically authorized or licensed for such purposes by any governmental authority.

(Ord. No. 435, §§ 1, 2, 10-13-04)

Sec. 15-186. Intoxicated persons not to possess firearms.

It shall be unlawful for any person under the influence of alcoholic liquor, controlled substance or exhilarating or stupefying substance to carry, have in possession or under control, or use in any manner or discharge any firearm within this township.

(Ord. No. 435, §§ 1, 2, 10-13-04)

Sec. 15-187. Reckless endangerment.

It shall be unlawful for any person to recklessly engage in conduct which places or may place another person in danger of death or serious bodily injury. Recklessness and danger shall be presumed where a person knowingly points a firearm at or in the direction of another, whether or not either person believes the firearm to be loaded.

(Ord. No. 435, § 2, 10-13-04)

Sec. 15-188. Confiscation of firearm.

In addition to the penalty provided hereunder, a law enforcement officer may confiscate the firearm of any person who violates or fails to comply with any provision of this division, with the ultimate disposition of the firearm to be determined by the court.

(Ord. No. 435, § 2, 10-13-04)