

DIAMOND CITY, BOONE COUNTY. ARKANSAS

ORDINANCE NUMBER 04-2023

AN ORDINANCE PROVIDING FOR THE CONTROL, REGULATION AND ENFORCEMENT OF PENALTIES FOR THE UNLAWFUL USE OF FIREARMS AND OTHER WEAPONS WITHIN THE INCORPORATED AREA OF THE CITY OF DIAMOND CITY WHICH INCLUDES CORPS OF ENGINEERS PROPERTY AND REPLACING ORDINANCE NUMBERS 06-2014, 7-06 AND 8-98 AND ALL OTHERS PERTAINING TO FIREARMS. DECLARING AN EMERGENCY FOR THE SAFETY AND WELL-BEING OF ALL CITIZENS OF DIAMOND CITY.

Whereas: The City of Diamond City wished to provide for the safety of its citizens regarding the use of Firearms and other Devices, the following is set in place:

SECTION 1: DEFINITIONS: Whereas for the purpose of this ordinance, these definitions shall be used to describe certain words and terms herein:

- A. The term “gun” or pistol”, of this section, shall mean any weapon, which is capable of expelling a projectile by the combustion of smokeless powder or black powder. The term “gun” or pistol” shall be called a “firearm” for the purpose of this section.
- B. The term “device”, for the purpose of this section, shall mean any device capable of throwing discharging any projectile to include, but not limited to: BB guns, pellet guns, air guns, paint ball guns, bow and arrow or similar devices.

SECTION 2: DISCHARGE OF FIREARMS AND OTHER DEVICES: Be it ordained that:

- A. It shall be unlawful for any person to fire or discharge a “Firearm” within the incorporated area of Diamond City, Arkansas, as set forth in this section except as authorized by Arkansas Statutes relating to lawful self-defense acts or authorized by the Diamond City Chief of Police.
- B. It shall be unlawful for any person to fire or discharge any “Device” on any of the streets, alleys, City rights-of-way, lands owned by Diamond City, Arkansas or Corps of Engineers managed properties within the Incorporated areas of Diamond City, Arkansas except as authorized by the Diamond City Chief of Police.
- C. It shall be unlawful for any person, under the age of Sixteen (16), to fire or discharge any “Device” on any of the streets, alleys, City rights-of-way or lands owned by Diamond City, Arkansas.
- D. It shall be unlawful for any person under the age of Sixteen (16) to fire or discharge any “Device” on Corps of Engineers managed properties or any privately owned properties, within the incorporated City Limits of Diamond City unless in the physical presence of a parent or guardian.
- E. It shall be unlawful to threaten recklessly or maliciously or discharge a firearm or device as to cause injury to any person or property.

SECTION 3: CONFISCATION OF WEAPONS/DEVICES: Be it Ordained:

- A. Upon violation of any of this Ordinance by any person, firm or corporation, the weapon/device used in violation may be confiscated, and upon conviction, may be forfeited to the City of Diamond City, Arkansas.

SECTION 4: Penalties:

- A. Violators of Section 2. A, C or D above, upon conviction shall be subject to a fine of not less than FIFTY DOLLARS (\$50.00) or not more than TWO-HUNDRED and FIFTY DOLLARS (\$250.00).
- B. Violation of section 2. B, above, upon conviction shall be subject to a fine of not less than TWENTY-FIVE DOLLARS (\$25.00) and not more than ONE-HUNDRED DOLLARS, (\$100.00) plus any court costs.
- C. Violation of Section 2.E., upon conviction, shall be subject to a fine of not more than ONE-THOUSAND DOLLARS (\$1000.00), plus court costs, and shall be deemed a Class A Misdemeanor.

SECTION 5: EXCEPTIONS: The Chief of Police, Mayor, or their designated representatives, is authorized to grant exceptions to said chapter or organizations or individuals of whom they deem necessary.

SECTION 6: POSSESSION OF FIREARMS: The possession of firearms shall be allowed as provided by the 2nd Amendment of the Constitution of the United States and the Laws of the State of Arkansas.

SECTION 7: ADOPTION and REPLACEMENT: All ordinances or parts of ordinances in conflict with this ordinance shall be repealed.

SECTION 8: SEVERABILITY: If any portion of this ordinance is found to be invalid by a court of competent jurisdiction, that invalidity shall in no way affect the other parts that are held valid.

SECTION 9: EMERGENCY CLAUSE: For the well-being of the Citizens of Diamond City and the safety therefore, it is necessary to implement this ordinance immediately upon passage. Therefore, this Ordinance shall be in full force and effect from and after it is passage and adoption by the City Council of Diamond City, Arkansas as provided by law and until such time this ordinance shall be in effect.

Emergency Clause:


Passed and Approved by the City Council of Diamond City, Arkansas, on the 25th day of July, 2023.

 5 YES 0 NO 0 ABSTAIN 1 ABSENT

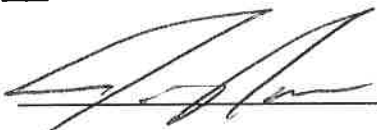
Ordinance Number 04-2023

Passed and Approved by the City Council of Diamond City, Arkansas, on the 25th day of July, 2023.

 5 YES 0 NO 0 ABSTAIN 1 ABSENT



Recorder/ Kathy Pate



Mayor/ Jaime Nuessner