

**ORDINANCE 2019-  
OF THE TOWN OF ZIONSVILLE**

**AN ORDINANCE REGULATING  
THE FIRING OR DISCHARGE OF WEAPONS**

**WHEREAS**, the Town Council of the Town of Zionsville, Indiana (“Town”) has been informed and advised that residents of the Town are concerned with the firing and discharge of weapons on property located within the Town; and

**WHEREAS**, the Town has been informed and advised that property owners in the Town have reported incidents where random and unsafe, irresponsible and erratic shooting or discharge of guns has occurred, and continues to occur in the Town; and

**WHEREAS**, the Town agrees that such firing and discharge of weapons is inappropriate and it is necessary for residents to be safe and secure in their persons and properties; and

**WHEREAS**, the Town believes it is necessary to regulate the firing and discharge of weapons in the Town to avoid a significant risk of serious bodily injury, death, or damage to person or property; and

**WHEREAS**, the Town understands that a political subdivision is prohibited under Ind. Code §35-47-11.1 from regulating (1) firearms, ammunition, and firearm accessories; (2) the ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and (3) commerce in and taxation of firearms, firearm ammunition, and firearm accessories; and

**WHEREAS**, notwithstanding the provisions of Ind. Code §36-47-11.1, the Town has the authority to prohibit the firing or discharge of weapons and/or firearms under Ind. Code §36-8-2-4 which states, “a unit may regulate conduct, or use or possession of property, that might endanger the public health, safety or welfare”; and

**WHEREAS**, the Town believes it is the best interest of community to regulate the firing or discharge of weapons and/or firearms.

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council of the Town of Zionsville, Boone County, Indiana that:

Section One. Discharging Firearms. It shall be unlawful for any person to shoot, fire, or discharge any firearm within the Urban Area of the Town, as provided herein. For purposes of this Section, “firearm” shall mean any weapon that is capable of expelling, designed to expel or may readily be converted to expel a projectile by means of explosion. The term “firearm” shall include handguns, machine guns, rifles, shotguns, and all other weapons which fit the definition

of “firearm” as provided herein, as defined by Ind. Code §35-47-1, *et seq.*, or any other applicable State or Federal laws.

Section Two. Exemptions. This Ordinance shall not prohibit the discharge of firearms by certain exempted persons, namely:

1. Any legally appointed local, state or federal law enforcement officer acting within the capacity of his or her authorized duty.
2. Any person, who is legally authorized and licensed to own and possess a firearm, is acting in self-defense, the defense of their dependents, or the defense of a fellow citizen(s), if the circumstances are such that a reasonable and responsible adult would determine that discharging the firearm is of absolute and immediate necessity, and that no alternative and less dangerous solution is feasible at the time, and in doing so does not violate any local, state, or federal laws.
3. Any duly licensed hunter, provided all applicable hunting laws and regulations are adhered to and the hunter has permission to discharge the weapon on the land being used for hunting.
4. Any person discharging a weapon at a lawfully operated shooting range, skeet range, or gun club.
5. Any person discharging a weapon for the purpose of defending themselves or their loved ones (including an animal) against another animal.
6. Any person discharging a weapon for the purpose of ending the life of an injured or sick animal.
7. This Ordinance shall not be construed to restrict or otherwise prohibit the legal possession, purchase, or use of firearms in accordance with applicable Indiana law, the Indiana Constitution or the United States Constitution.

Section Three. Restriction on Regulation. This Ordinance only regulates the firing or discharging of weapons within the Urban Area (see map listed as Attachment A) and shall not be construed to regulate or otherwise restrict the following:

1. Firearms, ammunitions, and firearm accessories;
2. The ownership, possession, carrying, transportation, registration, transfer, and storage of firearms, ammunition, and firearm accessories; and
3. Commerce in and taxation of firearms, firearm ammunition, and firearm accessories.

Section Four. Violations. Any violation of this Ordinance shall result in the following penalties, namely:

1. First Offense: \$250.00 fine;
2. Second Offense: \$750.00 fine;
3. Third Offense and subsequent offenses: \$2,500.00 fine.

Any second or subsequent offense shall be in the same calendar year.

Section Five. Severability. If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

Section Six. Effectiveness. This Ordinance shall take effect immediately and be in full force and effect from and after its passage and adoption by the Town Council of the Town, and publication in conformance with applicable law.

**DULY PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2019, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,  
BOONE COUNTY, INDIANA**

|                                  | YEA<br>Signature | NAY<br>Signature |
|----------------------------------|------------------|------------------|
| Josh Garrett,<br>President       |                  |                  |
| Bryan Traylor,<br>Vice President |                  |                  |
| Kevin Spees,<br>Member           |                  |                  |
| Thomas Schuler,<br>Member        |                  |                  |
| Jason Plunkett,<br>Member        |                  |                  |
| Elizabeth Hopper<br>Member       |                  |                  |
| Susana Suarez,<br>Member         |                  |                  |

I hereby certify that the foregoing Ordinance was delivered to Town of Zionsville Mayor Timothy R. Haak on the \_\_\_\_ day of \_\_\_\_\_ 2019, at \_\_\_\_\_ m.

ATTEST: \_\_\_\_\_  
Amelia Anne Lacy, Director,  
Department of Finance and Records

MAYOR'S APPROVAL

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
Date

MAYOR'S VETO

\_\_\_\_\_  
Timothy R. Haak, Mayor

\_\_\_\_\_  
Date