

ORDINANCE NO. 1236

AN ORDINANCE REPEALING SECTION 16-42, AND REVISING SECTIONS 16-43, 16-45 AND 16-46 OF THE CODE OF ORDINANCES OF THE CITY OF MILES CITY, MONTANA REGARDING FIREARMS SO AS TO CONFORM TO STATE STATUTE.

BE IT ORDAINED by the City Council of the City of Miles City, Montana as follows:

Section 1. Section 16-42 of the Code of Ordinances of the City of Miles City, Montana is hereby repealed:

Section 2. Section 16-43 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 16-43. - Discharge of firearms.

- (a) It shall be unlawful for any person to willfully shoot or fire off a gun, pistol or any other firearm within the limits of the city.
- (b) Any person who violates this section shall be punishable by a fine not exceeding \$500.00 or by imprisonment in the county jail for a period not exceeding 6 months, or both.
- (c) Firearms may be discharged in an indoor or outdoor rifle, pistol, or shotgun shooting range located within the city limits if the shooting range is approved by the City Council.
- (d) Subsection (a) does not apply if the discharge of a firearm is justifiable under Title 45, chapter 3, part 1, MCA.”

Section 3. Section 16-45 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 16-45. - Carrying weapon in prohibited place.

- (a) It is unlawful for any person to purposely or knowingly carry, concealed or unconcealed, any dirk, dagger, pistol, revolver, BB gun, air or pellet gun, slingshot, sword, sword cane, billy, knuckles made of any metal or hard substance, knife having a blade 4 inches long or longer, razor, not including a safety razor, or other deadly weapon in the following places:
 - (1) in a publicly owned building within the city limits;
 - (2) in a park within the City of Miles City, unless such person has a concealed weapon permit (CWP) valid in the State of Montana;
 - (3) in a school within the city limits.
- (b) Subsection (a) shall not apply to
 - (1) any peace officer of the state of Montana or of another state who has the power to make arrests;
 - (2) any officer of the United States government authorized to carry a concealed weapon;
 - (3) a person in actual service as a member of the national guard;
 - (4) a person summoned to the aid of any of the persons named in subsections (b)(1) through (b)(3);
 - (5) a civil officer or the officer's deputy engaged in the discharge of official business;
 - (6) a probation and parole officer authorized to carry a firearm under 46-23-1002 MCA;
 - (7) an agent of the department of justice or a criminal investigator in a county attorney's office;

(c) Nothing contained in this section shall prohibit the legitimate display of firearms at shows or other public occasions by collectors or others or the legitimate transportation of firearms through the City of Miles City, whether in airports or otherwise.

(d) It is not a defense to this section that the person had a valid permit to carry a concealed weapon.

(e) A person convicted of violating this section shall be punished by a fine not to exceed \$500.00 or imprisonment in the county jail for a term not to exceed 6 months, or both.”

Section 4. Section 16-46 of the Code of Ordinances of the City of Miles City, Montana is amended to read as follows:

“Sec. 16-46. - Carrying of firearms by minors.

It is unlawful for a parent, guardian or other person having the charge or custody of any minor child under the age of 14 years to permit such minor child to carry or use in public any firearms of any description within the city limits, except when the child is accompanied by a person having charge or custody of the child or under the supervision of a qualified firearms safety instructor or an adult who has been authorized by the parent or guardian.”

Section 5. This Ordinance shall become effective thirty (30) days after its final passage.

Said Ordinance read and put on its passage this 13th day of March, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk

FINALLY PASSED AND ADOPTED this 10th day of April, 2012.

C.A. Grenz, Mayor

ATTEST:

Rebecca Stanton, City Clerk