



City Attorney

DATE: June 15, 2021
FROM: Janelle Combs, City Attorney
ITEM: Ordinance 6465 regarding BB and Pellet Guns

REQUEST:

Consider introduction and call for a public hearing on Ordinance 6465 to amend Ordinance 6-08-06 regarding BB and Pellet Guns.

Please place this item on the June 22, 2021 City Commission meeting agenda.

BACKGROUND INFORMATION:

Clarification has been requested in the ordinance to allow an airsoft gun business to be able to operate within the City limits. The Police Department has requested review of site plans for outdoor sites for their protection. This review would be administrative for staff to determine if it is appropriate from a public safety and community area standpoint. A similar request had been by a paintball facility; however, the airsoft business had not realized the requirements until after the paintball ordinance had been introduced. Staff felt it was not appropriate to stop the process of amendment for the paintball business in order to add this and start their process.

RECOMMENDED CITY COMMISSION ACTION:

First reading and introduction of Ordinance 6465 and call for a public hearing.

STAFF CONTACT INFORMATION:

Janelle Combs | City Attorney, 355-1340 or jcombs@bismarcknd.gov

CITY OF BISMARCK

ORDINANCE NO. 6465

<i>First Reading</i>	_____
<i>Second Reading</i>	_____
<i>Final Passage and Adoption</i>	_____
<i>Publication Date</i>	_____

AN ORDINANCE TO AMEND CHAPTER 06-08-06 OF THE CODE OF ORDINANCES OF THE CITY OF BISMARCK, NORTH DAKOTA, AS AMENDED, RELATING TO BB AND PELLET GUNS.

BE IT ORDAINED BY THE BOARD OF CITY COMMISSIONERS OF THE CITY OF BISMARCK, NORTH DAKOTA:

Section 1. Amend. Section 06-08-06 of the Code of Ordinances of the City of Bismarck, North Dakota, relating to BB and Pellet Guns, is hereby amended to read as follows:

6-08-06. BB and Pellet Guns.

1. No person may discharge in the city or carry loaded in a vehicle a weapon that will expel or is readily capable of expelling a projectile by the action of a spring, compressed air or compressed gas, including any such weapon commonly referred to as a BB gun, air rifle, pellet gun or CO2 gun.

2. This section shall not apply to lawful discharge by law enforcement officers, discharge by citizens in defense of person or property, discharge at structured events or competitions designed to test the skill of the participants, discharge at indoor target ranges, discharge in conjunction with educational or gun safety classes, or discharge of a paintball or airsoft gun in City administratively approved paintball or airsoft arenas, either indoors or outdoors.

(Ord. 4576, 02-15-94; Ord. 6464, 06-02-21)

Section 2: Severability. If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent remaining portions of this ordinance.

Section 3. Effective Date. This ordinance shall take effect after final passage, adoption and publication.