

Neighborhood and Community Services Standing Committee

E

Thursday, March 12, 2018

1:15 AM - **DISCUSSION** *Public Hearing*

SHEFFIELD
AG

RE: Proposed Ordinance to amend Chapter 38 of the 1984 Detroit City Code, Offenses, Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-10-23, through 38-10-27, to define pneumatic gun and public place; to preclude the sale and possession of pneumatic guns to minors; possession; carrying and discharge of pneumatic guns in the city.

Attending: (Police and Law Departments)

ENTERED APR 12 2018

City of Detroit

CITY COUNCIL



Brenda Jones
President

George Cushingberry, Jr.
President Pro Tem

Janee Ayers
Scott Benson
Raquel Castaneda-Lopez
Gabe Leland
Mary Sheffield
Andre L. Spivey
James Tate

Janice M. Winfrey
City Clerk

April 10, 2018

Mr. James Craig, Chief of Police, Detroit Police Department
Mr. Lawrence Garcia, Corporation Counsel, Law Department

RE: Proposed Ordinance to amend Chapter 38 of the 1984 Detroit City Code, Offenses, Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-10-23, through 38-10-27, etc.

The Neighborhood and Community Services Standing Committee has scheduled a **PUBLIC HEARING** relative to the above-captioned matter for **THURSDAY, APRIL 12, 2018 AT 1:15 P.M.** in the City Council Committee Room, 13th Floor of the Coleman A. Young Municipal Center. Please plan to attend.

Please note, increased security measures for entrance into this building may cause delays, therefore allow sufficient time for prompt arrival.

Very truly yours,

Janice M. Winfrey
City Clerk

JMW/ag

cc: Ms. Stephanie Washington, Mayor's Office



CITY OF DETROIT
LAW DEPARTMENT



COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE, SUITE 500
DETROIT, MICHIGAN 48226-3437
PHONE 313-224-4550
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February 20, 2018

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, Michigan 48226

Re: Amendment To Chapter 38, Offenses, Miscellaneous Provisions, Sections 38-10-23 Through 38-10-27.

Honorable City Council:

The Law Department has prepared a proposed ordinance which updates the City of Detroit's local law by amending Chapter 38 of the 1984 Detroit City Code, *Offenses, Miscellaneous Provisions*, Article X, *Weapons*, Division 2, *Air Guns*, by amending Sections 38-10-23, through 38-10-27, to comply with state law by including the definition "pneumatic gun". Further amendments include the definition of "public place" and also updated language to preclude the sale and possession of pneumatic guns to minors; possession; as well as the carrying and discharge of pneumatic guns in the City, except for areas specifically designated by the City. A copy of the ordinance, which has been approved as to form, is attached for your consideration.

I look forward to discussing this important legislation with this Honorable Body.

Respectfully Submitted,

Mary Parisien Esq.
City of Detroit
Municipal Law Section

ENTERED MAR 01 2018

- BB 2uks AS(3,0)

ENTERED MAR 15 2018

- Move to formal for introduction of Public Hearing (AS 2,0)

2/27/18 (Formal) - Refer to NCS

CITY CLERK 2018 FEB 22 PM 4:31

Introduced
3-27-18

1 BY COUNCIL MEMBER _____:

2 AN ORDINANCE to amend Chapter 38 of the 1984 Detroit City Code, Offenses,
3 Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-
4 10-23, through 38-10-27, to define pneumatic gun and public place; to preclude the sale and
5 possession of pneumatic guns to minors; possession; carrying and discharge of pneumatic guns in
6 the city.

7 IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

8 Section 1. That Chapter 38 of the 1984 Detroit City Code, *Offenses, Miscellaneous*
9 *Provisions, Article X, Weapons, Division 2, Air Guns*, be amended by amending Sections 38-10-
10 24 through 38-10-27, to read as follows:

11 Chapter 38 - MISCELLANEOUS PROVISIONS

12 ARTICLE X. WEAPONS

13 DIVISION 2. – ~~AIR GUNS~~ PNEUMATIC GUNS

14 Sec. 38-10-23. Definitions.

15 For the purposes of this division, the following words and phrases shall have the meanings
16 respectively ascribed to them by this section:

17 ~~Air gun shall mean any gun, rifle or pistol, by whatever name known, which is designed to~~
18 ~~expel a projectile by the action of compressed air or gas, or by the action of a spring or elastic, but~~
19 ~~such term does not include a firearm.~~

20 Dealer shall mean any person engaged in the business of selling at retail or renting any air
21 ~~gun~~ pneumatic gun.

1 Pneumatic gun, shall mean any implement, designed as a gun, that will expel a BB or pellet
2 by spring, gas, or air. Pneumatic guns includes a paintball gun that expels by pneumatic pressure
3 plastic balls filled with paint for the purpose of marking the point of impact.

4 Public Place shall mean any place to which the public, or a substantial group of the public has
5 access and includes, but is not limited to, streets, highways, and the common areas of schools,
6 hospitals, apartment houses, office buildings, transport facilities and commercial establishments.

7 **Sec. 38-10-24. Sales, etc., to minors prohibited.**

8 (a) It shall be unlawful for any dealer to sell, lend, rent, give or otherwise transfer ~~an air gun~~
9 pneumatic gun to any person under the age of eighteen (18) years where the dealer knows or has
10 reasonable cause to believe the person to be under eighteen (18) years of age or where such dealer
11 has failed to make reasonable inquiry relative to the age of such person and such person is under
12 eighteen (18) years of age.

13 (b) It shall be unlawful for any person to give, lend or otherwise transfer any ~~air gun~~ pneumatic
14 gun to any person under eighteen (18) years of age, except where the relationship of parent and
15 child, guardian and ward, or adult instructor and pupil exists between such person and the person
16 under eighteen (18) years of age.

17 **Sec. 38-10-25. Possession by minors.**

18 Notwithstanding any inconsistent provisions of this Code, or other city ordinance, it shall be
19 lawful for any person under eighteen (18) years of age to have in his possession any ~~air gun~~ if
20 pneumatic gun unless it is:

- 21 (1) Kept within his domicile;
- 22 (2) Used by the person under eighteen (18) years of age and he is a duly enrolled member
23 of any club, team or society organized for educational purposes and maintaining as part

1 of its facilities or having written permission to use an indoor or outdoor rifle range, to
2 possess, load and fire at such rifle range under the supervision, guidance and instruction
3 of a responsible adult;

4 (3) Used in or on any private grounds or residence under circumstances when such ~~air gun~~
5 pneumatic gun can be fired, discharged or operated in such a manner as not to endanger
6 persons or property and also in such manner as to prevent the projectile from transversing
7 any grounds or space outside the limits of such grounds or residence.

8 **Sec. 38-10-26. Carrying by minors in public.**

9 It shall be unlawful for any person under eighteen (18) years of age to carry any air gun on
10 the streets, alleys, public roads or public lands within the city unless accompanied by an adult;
11 provided, that such person under eighteen (18) years of age may carry such ~~air gun~~ pneumatic gun,
12 unloaded, in a suitable case or securely wrapped.

13 **Sec. 38-10-27. Discharge.**

14 It shall be unlawful for any person to discharge any ~~air gun~~ pneumatic gun from or across any
15 street, sidewalk, alley or public land or any public place, except on a properly constructed target
16 range, or other area designated by the City for this use.

17 **Secs. 38-10-28-38-10-38. Reserved.**

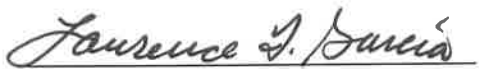
18 **Section 2.** All ordinances, or parts of ordinances, that conflict with this ordinance are
19 repealed.

20 **Section 3.** This ordinance is hereby declared necessary to preserve the public peace, health,
21 safety, and welfare of the People of the City of Detroit.

22 **Section 4.** In the event that this ordinance is passed by a two-thirds (2/3) majority of the
23 City Council Members serving, it shall be given immediate effect and become effective upon

- 1 publication in accordance with Section 4-118 of the Charter. Where this ordinance is passed by
- 2 less than two-thirds (2/3) majority of the City Council Members serving, it shall become effective
- 3 no later than thirty (30) days after enactment in accordance with Section 4-118 of the Charter.

Approved as to form:



Lawrence T. García
Corporation Counsel

RESOLUTION SETTING HEARING

By Council Member Pro-Tem Sheffield:

Resolved, That a public hearing will be held by this body in the Committee Room, 13th Floor of the Coleman A. Young Municipal Center for the purpose of considering the advisability of adopting the foregoing proposed Ordinance to amend Chapter 38 of the 1984 Detroit City Code, Offenses, Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-10-23, through 38-10-27, to define pneumatic gun and public place; to preclude the sale and possession of pneumatic guns to minors; possession; carrying and discharge of pneumatic guns in the city.

Transmission Report

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FAX TRANSMITTAL SHEET

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Abbreviations:

HS: Host send PL: Polled local MP: Mailbox print CP: Completed TS: Terminated by system
HR: Host receive PR: Polled remote RP: Report FA: Fail G3: Group 3
WS: Waiting send MS: Mailbox save FF: Fax Forward TU: Terminated by user EC: Error Correct

FOR PUBLICATION IN THE LEGAL NEWS ON TUESDAY, APRIL 3 , 2018

**NOTICE
OF
PUBLIC HEARING
ON**

Proposed ordinance to amend Chapter 38 of the 1984 Detroit City Code, Offenses, Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-10-23, through 38-10-27, etc.

Notice is hereby given that the Detroit City Council Neighborhood and Community Services Standing Committee has scheduled a **PUBLIC HEARING** that will be held in the Committee Room, 13th Floor of the Coleman A Young Municipal Center, on **THURSDAY, APRIL 12, 2018 AT 1:15 P.M.**, at which time all interested persons are invited to be present and be heard as to their views on the above proposed ordinance amendment described as follows:

Summary

Proposed ordinance to amend Proposed Ordinance to amend Chapter 38 of the 1984 Detroit City Code, Offenses, Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-10-23, through 38-10-27, to define pneumatic gun and public place; to preclude the sale and possession of pneumatic guns to minors; possession; carrying and discharge of pneumatic guns in the city.

Copies of the ordinance are available in the Office of the City Clerk, 200 Coleman A. Young Municipal Center during regular business hours.

Persons who wish to give oral presentations are encouraged to submit written copies to the City Clerk's Office for the record.

Please note, increased security measures for entrance into this building may cause delays. Therefore, allow sufficient time for prompt arrival.

Janice M. Winfrey
City Clerk

NOTICE TO THE HEARING IMPAIRED:

If interpretation or translation services are needed please call The Department of Civil Rights, Inclusion & Opportunity at least 48 business hours prior to session. Ryan Cringle, office: 313-224-9516

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TUESDAY, MARCH 27, 2018 FORMAL SESSION (Neighborhood and Community Services Standing Committee)

LAW DEPARTMENT

Sheffield, an Proposed Ordinance to amend Chapter 38 of the 1984 Detroit City Code, Offenses, Miscellaneous Provisions, Article X, Weapons, Division 2, Air Guns, by amending Sections 38-10-23, through 38-10-27, to define pneumatic gun and public place; to preclude the sale and possession of pneumatic guns to minors; possession; carrying and discharge of pneumatic guns in the city. **INTRODUCE**

Sheffield, reso. setting a Public Hearing on the foregoing ordinance amendment.