AN ORDINANCE TO REPEAL AND REPLACE IN ITS ENTIRETY CHAPTER 153 OF TITLE IX OF THE CODE OF THE CITY OF GRAND RAPIDS ENTITLED “FIREARMS.”

ORDINANCE NO. 2019 - _____

THE PEOPLE OF THE CITY OF GRAND RAPIDS DO ORDAIN:

Section 1. That Chapter 153 of Title IX of the Code of the City of Grand Rapids be repealed in its entirety.

Section 2. That the existing Chapter 153 of Title IX of the Code of the City of Grand Rapids be replaced as follows:

“Chapter 153 - WEAPONS

Sec. 9.171—Purpose, Findings, and Interpretations

(1) The purpose of this Chapter is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the City by the regulation of firearms, pneumatic guns, imitation firearms, and other devices capable of expelling a projectile.

(2) The City of Grand Rapids is the second most populated city in Michigan, with a population over 200,000 (Census Bureau population estimate, July 1, 2018) and a population density at or exceeding 4,235.6 people per square mile (Census Bureau, 2010). The City Commission finds that the City is so heavily populated as to make unregulated conduct anywhere within city limits to be dangerous to the inhabitants of the City.

(3) Nothing within this Chapter shall relieve a person of the duties and obligations imposed by state or federal law or regulations. Nothing in this Chapter shall be construed in a manner as to conflict with applicable state or federal law or regulations. To the extent of any conflict between any provision of this Chapter and any provision of state or federal law, the provision of state or federal law shall control. In the event any court of competent jurisdiction shall hold any provision of this Chapter invalid or unenforceable, such holding shall not invalidate or render unenforceable any other provision thereof.

Sec. 9.172. - Definitions

(1) “Brandish” means to point, wave about, or display in a manner intended to induce fear in another person.
(2) “Bow” means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer’s muscles.

(3) “Crossbow” means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.

(4) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. Firearm does not include pneumatic gun or imitation firearm.

(5) “Other device capable of expelling a projectile” means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet, or other mass by means of springs, rubber, elastic strip, levers or other mechanical means which device shall be capable by the discharge of any such missile, projectile, pellet, or other mass of inflicting personal injury or death upon any person. “Other device capable of expelling a projectile” is not a toy item or apparatus deemed by the manufacturer to be usable by an individual under age ten (10) that discharges low risk projectiles including but not limited to foam, Nerf, and ping-pong balls.

(6) “Pneumatic gun” means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact. For purposes of this Chapter, pneumatic gun does not include an imitation firearm.

(7) “Projectile” means any missile, bullet, shot, pellet, or other mass.

(8) “Public place,” means any street, alley, park, sidewalk, public building, any place of business open to the public or frequented by the public or any portion thereof, and any other place which is open to public view or to which the public, or any portion thereof, has access.

(9) “Imitation firearm” means any toy, imitation, facsimile or imitation pistol, revolver, shotgun, rifle, air rifle, BB gun, pellet gun, machine gun, or other similarly simulated weapon which because of its color, size, shape, or other characteristics, can reasonably be perceived to be a real firearm or pneumatic gun. “Imitation Firearm” does not include:

(a) A pneumatic gun;
(b) A non-firing collector replica antique firearm, which looks authentic and may be a scale model but is not intended as a toy, modelled on real firearms designed, manufactured, and produced prior to 1898;

(c) Decorative, ornamental, and miniature objects having the appearance, shape and/or configuration of a firearm, including those intended to be displayed on a desk or worn on bracelets, necklaces, key chains, and so on, provided that the objects measure no more than thirty-eight (38) millimeters in height by seventy (70) millimeters in length, the length measurement excluding any gun stock length measurement; or

(d) A toy item or apparatus deemed by the manufacturer to be usable by an individual under age ten (10) that discharges low-risk projectiles including but not limited to foam, Nerf, and ping-pong balls.

Sec. 9.173. Regulation of Firearms

(1) No person shall discharge any firearm in the City of Grand Rapids.

(2) No person shall brandish any firearm in any public place.

Sec. 9.174. – Regulation of Pneumatic Guns, Bows, Crossbows, and Other Devices Capable of Expelling a Projectile

(1) No person shall discharge any bow, crossbow, pneumatic gun, or other device capable of expelling a projectile in the City of Grand Rapids, except

(a) At authorized target ranges;

(b) On other property where firearms may be discharged; or

(c) On or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

(2) A person that grants permission to discharge a bow, crossbow, pneumatic gun, or other device capable of expelling a projectile on private property and fails to exercise reasonable care to prevent a projectile from crossing the bounds of the property, and where such projectile crosses the bounds of the property, is in violation of this Chapter.

(3) No person shall brandish a bow, crossbow, pneumatic gun, or other device capable of expelling a projectile.
(4) No person under the age of sixteen (16) shall possess a bow, crossbow, pneumatic gun, or other device capable of expelling a projectile in a public place without the supervision of a parent, a guardian, or a person eighteen (18) years of age or older.

Sec. 9.175. - Exceptions.

(1) The prohibitions in Sections 9.173 and 9.174 do not apply:

(a) To persons acting lawfully in self-defense or defense of another under the self-defense act, 2006 PA 309, MCL 780.971 to 780.974;

(b) To police officers or other peace officers in the lawful performance of their duties;

(c) To indoor enclosed firearm ranges so constructed as to prevent damage to property or injury or death to any person where such firearm ranges are otherwise lawful; or

(d) To persons engaged in an authorized military or civic activity, including a flag ceremony, color guard, parade, award presentation, historical reenactment, or memorial by permission of the director of public safety.

(2) Nothing in this Chapter shall prevent police officers from using an open-air range within the City, for the purpose of training. Such activity shall be subject to the control and discretion of the chief of police as to scheduling the time and determining the location for such target practice and all other respects.

Sec. 9.176. – Regulation of Imitation Firearms

(1) No person shall knowingly display or expose any imitation firearm in a public place.

(2) No person shall brandish an imitation firearm.

(3) No person shall manufacture, enter into commerce, ship, transport, receive, sell or offer to sell an imitation firearm in violation of federal law.

(4) No person shall knowingly give, sell, or otherwise furnish an imitation firearm to any person under the age of 18.

(5) This section does not apply to:

(a) An imitation firearm that has a blaze orange tip or other approved marking as described in 15 USC § 5001, 15 CFR 272, or other applicable federal law or regulation, and the blaze orange tip or marking is not concealed;

(b) An imitation firearm used in a theatrical production, including any motion picture, film, video, television, stage production, or commercial film or video production;
(c) An imitation firearm used in conjunction with a certified or regulated sporting event or competition;

(d) An imitation firearm used in an authorized military, civil defense, or civic activity, including a flag ceremony, color guard, parade, award presentation, historical reenactment, or memorial;

(e) An imitation firearm used for a public display authorized by a school or a display that is part of a museum collection;

(f) An imitation firearm used in a parade, ceremony, or other similar activity for which a permit has been obtained from the City; or

(g) An imitation firearm displayed on a wall plaque or in a presentation case.

(h) An imitation firearm that is being used in an area where the discharge of a firearm is lawful or in conjunction with law enforcement training.

Sec. 9.177 - Alteration of an Imitation Firearm; Possession of an altered imitation firearm.

(1) No person shall alter, remove, or obliterate any coloration, markings, or bands that are required by 15 USCA Section 5001 and accompanying federal regulations for any imitation firearm in a way that makes the imitation firearm look more like a firearm or pneumatic gun.

(2) No person shall knowingly possess an imitation firearm on which the blaze orange tip or other approved markings as described in 15 USCA Section 5001 and accompanying federal regulations has been altered, removed or obscured.

(3) This section does not apply to a lawful use of an imitation firearm in any theatrical production, including any motion picture, video, television, or stage production.

Sec. 9.178 Parental Responsibility

A parent, guardian or other person having the physical custody or charge of a minor under the age of seventeen (17) years shall exercise reasonable parental control by requiring the minor to observe the provisions of this Chapter.

Sec. 9.179. – Seizure and Forfeiture of Weapons

(1) The police department, upon seizing or otherwise coming into possession of a weapon or part of a weapon used in violation of this Chapter, shall retain possession thereof for a time period sufficient to notify the owner of the weapon, as provided in this section. The retention, disposition and forfeiture of firearms
by the police department shall be in compliance with MCL 750.239a or other applicable state law.

(2) All weapons carried, possessed or used contrary to this Chapter are hereby declared forfeited to the City. Forfeiture shall not apply to the owner if the owner is not alleged to have been involved in the conduct for which forfeiture is required or did not knowingly allow the weapon to be possessed illegally. Written notification shall be given to the owner at the conclusion of the criminal case stating that the owner has ninety (90) days to claim the weapon. The police department shall return a weapon to its owner if the owner claims the weapon within the notification period and the police department determines that the owner was not involved in the violation for which the weapon was seized. A weapon shall be returned under this subsection within thirty (30) days after the weapon is claimed by the owner unless the weapon is a firearm and the owner is prohibited from possessing a firearm under state or federal law.

(3) For purposes of this section, “weapon” means any firearm, pneumatic gun, bow, crossbow, other device capable of expelling a projectile, or imitation firearm.

Sec. 9.180 Penalty.

Any person who violates any provision of this Chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of up to $500 or imprisonment for up to 90 days or both.”