

ORDINANCE NO. 595

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AMENDING ITS CODE OF ORDINANCES TO COMPLY WITH CHAPTER 2011-109, LAWS OF FLORIDA, WHICH CONFERS EXCLUSIVE AUTHORITY TO REGULATE THE FIELD OF FIREARMS AND AMMUNITION ON THE STATE LEGISLATURE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 2011-109, Laws of Florida, provides that the State Legislature occupies the whole field of regulation of firearms and ammunition, including the purchase, sale, transfer, taxation, manufacture, ownership, possession, transportation and storage thereof; and

WHEREAS Chapter 2011-109, Laws of Florida, provides that local governments and their individual elected and appointed officials, agents, employees, and workers are prohibited from regulating or attempting to regulate firearms or ammunition in any manner whatsoever by any ordinances, rules, regulations or other authority, except as may be specifically authorized by the Legislature; and

WHEREAS Chapter 2011-109, Laws of Florida, provides sanctions whereby all local governments and their personnel who knowingly and willfully violate the state's right of preemption over firearms laws shall be fined up to \$5,000.00, shall be liable for triple damages plus attorneys' fees to any person adversely affected by said violation, and the government's personnel responsible for said violation shall forfeit their elected or appointive offices or their positions of employment with said government; and

WHEREAS the Town Commission deems it necessary and advisable on behalf of the Town and its personnel to repeal or amend all municipal ordinances that regulate or attempt to regulate firearms or ammunition in any manner; and

WHEREAS the Town Commission has determined that Sections 34-85, 10-2, 38-4 and 2-131, Code of Ordinances, Town of Ocean Ridge, Florida, need to be amended or repealed in order to comply with and acknowledge the Legislature's occupation of the whole field of regulation of firearms and ammunition as provided for in Chapter 2011-109, Laws of Florida.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF OCEAN RIDGE, FLORIDA, AS FOLLOWS:

Section 1. Findings of Fact. The WHEREAS clauses set forth above are adopted herein as findings of fact.

Section 2. Amendment of Section 34-85, Code of Ordinances, Town of Ocean Ridge, Florida.

Section 34-85, Code of Ordinances, Town of Ocean Ridge, Florida, titled Explosives, firearms and similar devices, is amended as follows:

Section 34-85. – Explosives, ~~firearms~~ and similar devices.

It is unlawful for any person to use or fire explosives, ~~firearms~~ or similar devices such that the sound therefrom creates a loud and raucous noise across a real property line, or within a noise sensitive zone, public space or public right-of-way, without first obtaining a variance pursuant to this article. Nothing in this section shall be construed to prohibit, restrict or regulate in any manner the use or firing of explosives, ~~firearms~~ or similar devices when the action is performed by, at the direction of or under the supervision of the town manager or the chief of police of the town.

Section 3. Amendment of Section 10-2, Code of Ordinances, Town of Ocean Ridge, Florida.

Section 10-2, Code of Ordinances, Town of Ocean Ridge, Florida, titled Hunting or Trapping of Animals and Birds, is amended as follows:

Section 10-2. – Hunting or trapping of animals and birds.

It shall be unlawful for any person other than as directed by the police chief to hunt or trap animals or birds within the town by the use of ~~firearms~~, traps or other means.

Section 4. Repeal of Sections 38-4 and 2-131, Code of Ordinances, Town of Ocean Ridge, Florida.

Section 38-4, titled Discharge of Firearms, and Section 2-131, titled Receipt and Disposition of Firearms, of the Code of Ordinances, Town of Ocean Ridge, Florida are hereby repealed in their entirety.

Section 5. Severability. In the event any section, paragraph, sub-paragraph, sentence, clause, phrase or word of this Ordinance shall be declared invalid, illegal or unenforceable by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining portions hereof.

Section 6. Repeal of Ordinances. Any ordinance in conflict herewith, to the extent of such conflict, is hereby repealed.

Section 7. Codification. This Ordinance shall be incorporated in and shall be included in the Town's Code of Ordinances.

Section 8. Effective Date. This Ordinance shall become effective immediately upon adoption.

FIRST READING this 3 day of October, 2011.

SECOND AND FINAL READING this 7 day of November, 2011.

Commissioner Pugh offered the foregoing Ordinance and its adoption. The motion was seconded by Commissioner Allison and upon being put to a vote, the vote was as follows:

KENNETH M. KALEEL, Mayor

YEA

GEOFFREY A. PUGH, Vice Mayor

YEA

DR. LYNN L. ALLISON, Commissioner

YEA

ED BROOKES, Commissioner

YEA

ZOANNE HENNIGAN, Commissioner

YEA

The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission of the Town of Ocean Ridge, Florida, on second reading, this 7 day of November, 2011.

TOWN OF OCEAN RIDGE, FLORIDA

BY:

KENNETH M. KALEEL, MAYOR

ATTEST:

Karen E. Vanesek
TOWN CLERK