

ORDINANCE NO. 110

**AN ORDINANCE REGULATING THE RECKLESS DISCHARGE OF FIREARMS
WITHIN THE CITY LIMITS OF THE CITY OF GOSHEN AND
ESTABLISHING PENALTIES FOR VIOLATIONS HEREOF.**

WHEREAS, the City Council of the City of Goshen finds that the discharge of firearms within the City limits has occurred in such manner as to pose a threat to persons and their property; and

WHEREAS, the City Council desires to restrict the discharge of firearms so that persons and property are better protected.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

SECTION 1. It shall be unlawful to discharge a firearm, including shotguns, rifles, pistols or any other firearm, from or across any public road, public waterway, or public body of water. No person shall discharge any firearm upon any property owned by the City of Goshen.

SECTION 2. It shall be unlawful to discharge a firearm recklessly. "Recklessly" shall be defined as found in Ark. Code Ann. § 5-2-202. It shall be prima facie evidence of recklessly discharging a firearm if the bullet, pellet or shot from such firearm: (a) hits a structure or personal property on the real property of another without written permission of the owner or occupant of that real property; (b) as part of such discharge comes to rest on the real property of another without written permission of the owner or occupant of that real property; or (c) hits a person.

SECTION 3. Nothing in this ordinance shall be construed to prohibit: (a) the discharge of a firearm in the defense of life or property, including for the purpose of eradicating pests creating a nuisance or causing injury or damage to property, or the existence of which creates a health hazard within the city; or (b) the discharge of a firearm by any law enforcement officer in the performance of his or her official duties.

SECTION 4. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200) or imprisoned for not more than ninety (90) days, or both, in the discretion of the court.

PASSED AND APPROVED this 11th day of March, 2014.

Joe Benson, Mayor

ATTEST:

Sharon Baggett, City Recorder

APPROVED AS TO FORM:

Charles Harwell, City Attorney

ROLL CALL

Names Of Those Voting YEA

Andy Bethell
Lanny Samuels
Dick Seddon
Mayor Joe Benson

Names Of Those Voting NAY

Absent

Paula Anderson
Brian Buell
Max Poye