

ORDINANCE 20-O-27 amending the Murfreesboro City Code, Chapter 21, Offenses and Miscellaneous Provisions, Section 21-44, Weapons – Discharging firearms, Etc.

WHEREAS, the City's Charter, at Article III, Section 4 (62) provides to the City "the fullest general powers and authority necessary for the protection of life, health, and property, and to preserve the good government, general welfare, and order and security of the city;" and

WHEREAS, the Tennessee General Assembly, by and through the enacting of Tennessee Code Annotated Section 39-17-1314, has preempted "the whole field of regulation" of firearms and ammunition, subject to certain exceptions; and

WHEREAS, Tennessee Code Annotated Section 39-17-1314 (b)(2) grants to municipalities the authority to regulate by ordinance the discharge of firearms within the boundaries of the municipality, except when and where the discharge of a firearm is expressly authorized or permitted by state law; and

WHEREAS, the City Code, at Chapter 21, Article 1, Section 21-44, currently prohibits the discharge of firearms within the corporate limits of the City, subject to certain exceptions contained therein; and

WHEREAS, in order to balance the safety and welfare of the citizens of the City, and to align the City Code with current state law, City Code Section 21-44 should be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Chapter 21, Article 1, Section 21-44, Weapons - Discharging firearms, etc., is hereby amended by deleting the section in its entirety and replacing it with the following language:

"Section 21-44 Firearms; discharge within City limits prohibited; exceptions.

Except as expressly authorized or permitted by state law of general application or as enumerated herein, it shall be unlawful for any person to discharge, fire, or shoot a shotgun, rifle, handgun, air gun, pellet gun, or other firearm within the corporate limits of the City. This section shall not apply to the following:

- (A) the operation of a shooting gallery within the corporate limits of the City, where precautions have been taken to insure the protection of human life and property;
- (B) a hunter safety course or firearm safety course conducted by a licensed instructor at a site approved by the Chief of Police, provided the licensed instructor is present at all times that firearms are discharged; and
- (C) use or discharge of a pellet gun or air gun on any premises zoned heavy industrial (HI), general industrial (GI), or light industrial (LI), pursuant to

the City's Zoning Ordinance, by the owner of such property, or the owner's employee or agent, for the express purpose of exterminating or controlling certain animal species not deemed protected by any federal or state law and that are generally considered to constitute a pest or vermin or that otherwise threaten or endanger human life or health or the owner's business interests, including any real or personal property located on the owner's premises."


SECTION 2. This Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:


1st reading July 23, 2020
2nd reading July 30, 2020


Shane McFarland, Mayor

ATTEST:


Melissa B. Wright
City Recorder

APPROVED AS TO FORM:

DocuSigned by:

Adam F. Tucker
City Attorney

