

Sponsored by the Hammond Common Council

ORDINANCE NO. 9556

22-25

AN ORDINANCE TO AMEND ORDINANCE 3315, ALSO KNOWN AS SECTION 132.071 OF TITLE XIII OF THE HAMMOND MUNICIPAL CODE AS IT PERTAINS TO THE DISCHARGE OF FIREARMS WITHIN THE CITY

WHEREAS, the City of Hammond respects and values the rights of all citizens to own and use firearms in a lawful and responsible manner; and

WHEREAS, the City of Hammond also recognizes its responsibility to protect the health, safety, and welfare of its residents and visitors, and to adopt reasonable regulations protecting the same; and

WHEREAS, the City of Hammond is concerned about the actual and future consequences of the discharge of firearms within city limits, including but not limited to damage to property, injury to persons, and loss of life; and

WHEREAS, the city of Hammond is overwhelmingly a densely populated urban area with some residential lots as narrow as twenty-five feet wide and little area between structures, making the discharge of a firearm in city limits more dangerous to person or property than in more rural areas of the county and state; and

WHEREAS, the City of Hammond has experienced the loss of life of one of its young people, when 13-year old Noah Inman tragically died on July 8, 2017 after a firearm discharged into the air and the bullet came down and struck him while playing basketball on July 1, 2017;

WHEREAS, the State of Indiana legislature has not acted on two bills brought before it to criminalize recklessly discharging firearms in city limits; and

WHEREAS, Indiana Code § 35-47-11.1-2 does not restrict a political subdivision from regulating the discharge of firearms within city limits; and

WHEREAS, the City of Hammond has decided to amend its discharge of firearm regulations herein; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Hammond that Section §132.071 of Title XIII of the HMC be amended and adopted as follows:

§ 132.071 DISCHARGING FIREARMS; RESPONSIBILITY OF PARENT.

- (A) It shall be unlawful for any person to fire or discharge a firearm of any kind or nature whatsoever within the city.
- (B) For the purpose of this section, firearm shall be defined as any weapon, which will expel a projectile by the action of an explosion and includes but is not limited to any such weapon commonly referred to as a pistol, revolver, rifle, gun, shotgun, or machine gun.
- (C) It shall be unlawful for the parents, guardian or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit the minor to fire any firearm of any kind or nature whatsoever within the city.
- (D) It shall not be a violation of this section to discharge a firearm under the following conditions:
 - 1. Law enforcement officers in the performance of their duties.
 - 2. The use of firearms in shooting galleries or in any authorized place which is regulated by the Police Department of the city.
 - 3. As otherwise allowed under Indiana or federal law.
- (E) Penalty. The violation of any provision of this section shall constitute a civil nuisance with penalties actionable under I.C. 32-30-6-7 or punishable by a fine pursuant to § 132.999. Each violation of this chapter shall constitute a separate offense.

(Prior Code, § 132.56) (Ord. 3315, passed 2-13-1961)

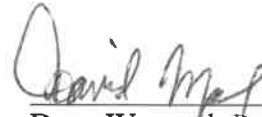
THEREFORE, BE IT FURTHER ORDAINED that if any part of this ordinance shall be held invalid by a court of competent jurisdiction, the remainder thereof shall not be affected.

Sponsor: Scott Rakos, 6th District Councilman
Dave Woerpel, 5th District Councilman

BE IT FURTHER ORDAINED this Ordinance shall be considered as amending Ordinance Number 3315, otherwise known as Section 132.071 or Title XIII of the HMC, and if there be any conflict therewith, this ordinance shall take precedence.

BE IT FURTHER ORDAINED by the Common Council, that this Ordinance shall be in full force and effect upon signing by the President of the Common Council and approval by the Mayor, and Publication as provided by law.

ADOPTED AND APPROVED BY the Common Council of the City of Hammond, Indiana this 11th day of July, 2022



Dave Woerpel, President
Hammond Common Council

ATTEST:



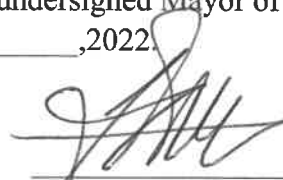
Robert J. Golec, City Clerk

PRESENTED BY ME, the undersigned City Clerk of the City of Hammond to the Mayor of said City for his approval on the 12th day of July, 2022.



Robert J. Golec, City Clerk
City of Hammond, Indiana


The foregoing Ordinance No. 9556 consisting of four (4) typewritten pages, including this page, was APPROVED AND SIGNED BY ME, the undersigned Mayor of the City of Hammond, Indiana on this 13th day of July, 2022.



Thomas M. McDermott, Jr., Mayor
City of Hammond, Indiana

Sponsor: Scott Rakos, 6th District Councilman
Dave Woerpel, 5th District Councilman

PASSED by the Common Council on the 11th day of July, 2022 and
Approved by the Mayor on the 13th day of July, 2022.



Robert J. Golec, City Clerk
City of Hammond, Indiana