

"A Historic Past"



"A Bright Future"

CITY OF DELAWARE CITY

407 Clinton Street - P.O. Box 4159
Delaware City, Delaware 19706
302-834-4573

**CITY OF DELAWARE CITY
DELAWARE CITY, DELAWARE
Ordinance No. 18-0716-02**

**ORDINANCE TO AMEND THE CITY OF DELAWARE CITY CODE, CHAPTER 29
RELATING TO THE DISCHARGE OF FIREARMS IN THE HPR DISTRICT**

WHEREAS, pursuant to Article V, Section 5-02(A) of The City of Delaware City Charter ("Charter"), and pursuant to the "Powers of the City." outlined in Article II, § 2-01 of the Charter, the Mayor and the Council of The City of Delaware City ("City Council") possess the authority to adopt, amend, modify, or repeal The City of Delaware City Code ("Code");

WHEREAS, the Mayor and City Council desire to amend Chapter 29 of the Code allow certain discharges of firearms in the HPR district as authorized by agencies of the State of Delaware;

NOW, THEREFORE, making the express finding that the below changes enhance the health, safety, and welfare of the City of Delaware City, the Mayor and the City Council of The City of Delaware City hereby ordain and adopt the following Code changes and revisions:

Section 1. Amend Chapter 29, Section 1 of the City Code by eliminating the strikethrough language and adding the underlined text identified below:

Section 29-1 Discharging of Firearms

It is hereby declared to be a public nuisance for any person or persons without the consent of the Mayor, of the Mayor and Council of Delaware City, to discharge firearms within the town City limits of Delaware City, except in the HPR District wherein firearms may be discharged if and only if such firearm discharge is authorized and regulated by an agency of the State of Delaware.

Section 3. **Inconsistent Ordinances and Resolutions Repealed.** All Ordinances or parts of Ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed.

Section 4. **Severability.** The provisions of this Ordinance shall be severable. If any provisions of this Ordinance are found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that City Council would have enacted the remaining valid provisions without the unconstitutional or void provision; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with City Council's intent.

Section 8. **Effective Date.** This Ordinance shall become effective immediately upon its adoption by City Council.

(Signature Page Follows)

ADOPTED BY THE MAYOR AND COUNCIL, this 17 day of September 2018.

ATTEST:

Donna Lynn Hanna
City Secretary

Stanley E. Grier
Mayor

APPROVED AS TO FORM:

Max Watson
City Solicitor

Betty Barrett
Council Member

Elizabeth Kentgens
Council Member

[Signature]
Council Member

Margaret C. Loh
Council Member

Robert J. Malinowski
Council Member

First Reading: 7-16-18

Adoption: 9-17-18