

## ORDINANCE NO. 2254

### AN ORDINANCE AMENDING BEND CODE SECTION 5.40.040 DISCHARGE OF WEAPONS

#### Findings

A. The City originally drafted an ordinance prohibiting the discharge of weapons before there were paint guns, airsoft guns and other items that fit within the prohibition but may be used safely so as to not cause harm.

B. Through application and analysis of the existing code language, the City has learned that the existing prohibition on discharge of weapons should be clarified and that exceptions are needed to take into account common practices that technically are violations but do not present a public safety risk.

Based on these findings, **THE CITY OF BEND ORDAINS AS FOLLOWS:**

Bend Code Chapter 5.40.040 is amended by adding to read as follows:

#### **5.40.040 Discharge of Weapons.**

A. Except as provided in Subsection B, no person other than an authorized peace officer acting in the course and scope of duty, shall fire or discharge any gun, weapon, airsoft gun; or other device which is spring or air-actuated that propels pellets, bbs, or bearings, or any weapon that propels a projectile by use of a bow, sling, or explosives.

B. The following actions are exempt from Subsection A if conducted under circumstances that do not present an unreasonable risk of harm to any person or property:

1. The firing or discharge of any weapon or other device at a fully-enclosed range designed and constructed for the type of weapon or other device discharged.
2. The firing or discharge of paintballs at a facility in which all participants have consented to engage in paintball activities.
3. The firing or discharge of paintballs, airsoft guns or toys on private property so long as the projectile remains on the property from which it was discharged.
4. The use of nail guns or other carpentry tools being used for their intended purpose.
5. Animal control measures taken by federal, state, county, district and local agencies.

C. It shall be an affirmative defense to Subsection A that the person was acting in defense of life or property and under circumstances that would warrant the use of deadly force under Oregon law.

D. It shall be an affirmative defense to Subsection A that the person was test firing or discharging the weapon, as a necessary part of the person's lawful business operations while utilizing a bullet trap under circumstances that did not present an unreasonable risk of harm to any person.

E. A violation of this section is a Class A civil infraction.

First Reading: November 4, 2015

Second Reading and Adoption by Roll Call Vote: November 18, 2015

Yes:	Jim Clinton, Mayor	No: None
	Victor Chudowsky	
	Doug Knight	
	Sally Russell	
	Nathan Boddie	
	Casey Roats	
	Barb Campbell	

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Jim Clinton, Mayor

ATTEST:

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Robyn Christie, City Recorder

Approved as to form:

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City Attorney's Office