

## CHAPTER 6: FIREARMS, WEAPONS AND MISSILES

### Section

- 11-601 Air rifles and the like
- 11-602 Throwing missiles
- 11-603 Discharge of firearms

#### § 11-601 AIR RIFLES AND THE LIKE.

It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun or sling shot capable of discharging a bullet or pellet, made of metal, plastic or any other kind of material, whether propelled by spring, compressed air, expanding gas, explosive or other force-producing means or method.

(1989 Code, § 11-601)

#### § 11-602 THROWING MISSILES.

It shall be unlawful for any person maliciously to throw any stone, snowball, bottle or any other missile upon or at any vehicle, building, tree or other public or private property or upon or at any person.

(1989 Code, § 1-602)

#### § 11-603 DISCHARGE OF FIREARMS.

(A) It shall be unlawful for any unauthorized person to discharge a firearm within the corporate limits except as provided for in § 11-603(B). This section shall not apply to a hunter safety course or handgun 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.

(B) *Shooting galleries.*

(1) *Defined.* The term **SHOOTING GALLERY** as used in this section means any public place or range for shooting and discharging firearms at a target for which a fee is charged, except shooting galleries or ranges maintained or operated by any military organization, police department or school, the privileges of which are not available to the general public.

(2) *License required.* No person shall conduct, maintain, operate, or cause to be conducted, maintained or operated, any public shooting gallery without being licensed under this section.

(3) *Residence requirements.* No license shall be granted to any person other than a county resident for at least one year preceding the application and a qualified voter in Cumberland County. If the applicant is a partnership, all partners thereof must comply with this section; if a corporation, limited liability company, limited partnership or other certificated entity, all shareholders, limited and general partners, members, officers, directors and equity holders, as the case may be, thereof must so comply.

(4) *Application for license.*

(a) A license to operate a shooting gallery shall be granted only upon application filed with the City Clerk. All applications shall contain the name and address of the applicant, the length of time or residency in the county and whether or not the applicant is a qualified voter in the county. If the applicant is a firm or partnership, the application shall state the names and addresses of all persons constituting such firm or partnership, the length of time each has been a county resident, and whether or not each is a qualified voter of Cumberland County. If the applicant is a corporation (including all certificated entity forms recognized in the State of Tennessee, including, without limitation, limited liability companies, and "stockholder" and "officer" shall be deemed to include members, limited partners, general partners, managers, principals and equity holders in said entities), the application shall state its principal place of business, the full name of such entity, the state under whose laws it is incorporated, the full names and addresses of all officers, directors, shareholders, partners, members, principals, and equity holders, thereof, the length of time each has been a county resident and whether or not each is a qualified voter of Cumberland County. No applicant, and no partner, shareholder, member, director, officer, or equity holder of an applicant, shall be a person who has been convicted of a felony prior to the time he or the legal entity with which he is connected shall receive a license; provided, that this provision shall not apply to any person who has been so convicted, but whose rights of citizenship have been restored or judgment of infamy has been removed by a court of competent jurisdiction; and in the case of any such conviction occurring after a license has been issued and received, the license shall immediately be revoked, if such convicted felon be an individual licensee, and if not, the partnership, corporation or association with which he is connected shall immediately discharge him.

(b) Additionally, the applicant, and all partners, shareholders, members, directors, officers, and equity holders of the same, if any, shall submit to a TBI background check prior to the issuance of any license hereunder. If any applicant misrepresents any material fact or conceals any material fact in any application form filed for the purpose of complying with the requirements contained in this section, such applicant shall be deemed to have violated the provisions of this section. The application shall contain the address of the shooting gallery. The application shall further recite the type and caliber of arms proposed to be used, and shall contain a description of the manner and plan for stopping and controlling bullets or other ammunition proposed to be used.

(5) *Approval of Chief of Police.* Prior to the issuance of any permit, the application must have endorsed thereon the written approval of the Chief of Police.

(6) *License fee.* The annual fee for a license under this section is \$50.

(7) *Issuance of license.* Upon the receipt by the City Clerk of the application, and upon compliance by the applicant with all the regulations, conditions and terms of this section, and after action of the City Council granting same, and upon the payment of the fee, the City Clerk shall issue to the applicant a license to operate a shooting gallery at the location described in said application.

(8) *Transfer of license.* No license issued under this section shall be transferred. In the event of change in ownership, a new application must be filed in accordance with all rules and regulations contained in this section.

(9) *Revocation of license.* Any license issued under this section may be revoked by the City Council for violations of any provisions of this section and there shall be no rebate of the license fee in case of revocation.

(10) *Display of license.* Each license issued under this section shall be for the location mentioned therein only, and shall be prominently displayed at such location.

(11) *Expiration date.* License shall expire on December 31 of each year.

(12) *Gambling prohibited; violations of state law.* No gambling, betting or wagering shall be permitted upon the premises, nor shall any licensee violate any state law in the maintenance and operation of the licensed premises. Provided, however, that this section shall not prevent the awarding of prizes for skill in marksmanship.

(13) *Location.* No shooting gallery shall be located nearer than 1,000 feet to the entrance of any school, church, or hospital, nor in any location which would constitute a nuisance under the Municipal Code, common law or any applicable law, statute or regulation, or in a location such that the noise from the shooting gallery would constitute such a nuisance or other violation under the Municipal Code.

(14) *Hours.* No shooting gallery shall be operated between the hours of 8:00 p.m. and 8:00 a.m. the following morning. Upon written request at least seven days in advance, the City Manager shall be authorized to make exceptions to these hours for special events.

(15) *Safety rules.* In the operation of any shooting gallery, the following safety rules shall at all times be observed:

(a) Backstops and bullet traps must be designed in accordance with acceptable standards to reduce back splatter and ricochets and must exceed the ability to stop and trap all types and calibers

of ammunition to be used. Backstops and bullet traps shall extend the full width of the room and forward at an angle of 45° from the floor and shall be made rigid. It is highly recommended that a commercial manufacturer be used for the backstop. The counter shall be so constructed that there shall be no interference between or among the persons shooting at different targets.

(b) It is the range operator's responsibility to determine if a shooter is of appropriate age and has the physical and mental ability to safely utilize the range and provide their shooters with appropriate qualified supervision.

(c) All doors, gates and entrances leading into that, part of the premises between the firing point and the backstop shall be securely locked, and no one shall be permitted therein at any time persons are engaged in shooting or have access to the rifles used.

(d) All rifles, pistols and revolvers, including the sights thereon and ammunition, shall be at all times kept in first-class condition and inspected by qualified range personnel.

(e) No ammunition or firearms are to be used that exceed the design limits of the range walls, backstop, ceiling, or floor.

(f) The shooting galleries shall be properly and adequately ventilated at all times and comply with all applicable OSHA, NIOSH, and EPA standards.

(g) Attendants shall wear a uniform, brassard or other distinguishing mark to identify them as employees of the licensee.

(Ord. 1386, passed 3-12-2013)