Passed 7-0-1 (voice)
Satterfield Absent.

ORDINANCE 11-15

TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "ADMINISTRATION AND PERSONNEL" AND TITLE 11 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED "LAKES AND RESERVOIRS" -
Re: Conforming Local Code with Senate Enrolled Act 292

WHEREAS, Bloomington Municipal Code Section 2.04.030 allows the Chief of Police or his designee to request any person in attendance at a council meeting to surrender firearms; and

WHEREAS, Bloomington Municipal Code Section 11.04.050 prohibits a person from carrying a firearm within the limits of Lake Lemon; and

WHEREAS, Bloomington Municipal Code Section 11.08.300 prohibits the use of firearms within the limits of Lake Griffy; and

WHEREAS, the Indiana General Assembly during the 2011 spring session, via its passage of Senate Enrolled Act 292, created a new chapter of the Indiana Code, Chapter 35-47-11.1, which prohibits a political subdivision from regulating the possession and carrying of firearms, ammunitions and firearm accessories; and

WHEREAS, the newly created Chapter 35-47-11.1 of the Indiana Code specifically voids any provision of an ordinance enacted or undertaken before, on or after June 30, 2011, which effects a person's right to possess or carry a firearm; and

WHEREAS, because portions of Bloomington Municipal Code Sections 2.04.030, 11.04.050 and 11.08.300 are now void as a result of the creation of Indiana Code Chapter 35-47-11, the City believes it is in the best interest of the public to specifically strike those portions of said sections which are no longer valid and enforceable; and

WHEREAS, the newly created Chapter 35-47-11-1 does not prevent political subdivisions from regulating and enforcing the prohibition or restriction of the intentional display of firearms at public meetings and the City chooses to prohibit that conduct at all of its public meetings;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. Section 2.04.030 of the Bloomington Municipal Code entitled "Duties of sergeant-at-arms" shall be amended to read as follows:

> "The chief of police or his designee shall act as sergeant-at-arms. It shall be the duty of the sergeant-at-arms to preserve order in the council chambers under the direction of the presiding officer, to act as a messenger of the council under the direction of the city clerk by serving notices of special meetings upon council members, and to procure the attendance of absent members when a quorum is not present. The sergeant-at-arms may request any person in attendance at a council meeting to surrender any dangerous weapon other than a firearm (as defined by the Indiana Code)".

SECTION 2. A new Section 2.04.225 of the Bloomington Municipal Code entitled "Intentional Display of Firearms Prohibited" shall be inserted and shall read as follows:

> The intentional display of firearms is prohibited at any public meeting of the Council.

SECTION 3. A new Section 2.08.020 of the Bloomington Municipal Code entitled "General Provisions" shall be amended by inserting a new part (14) which shall read as follows:

> (14) The intentional display of firearms is prohibited at any public meeting of the City's boards, commissions and councils.

SECTION 4. Section 11.04.050 of the Bloomington Municipal Code, entitled "Lake Lemon – Use of Firearms" shall be amended by deleting the word "carry," as it appears before the words "fire or discharge" in the first sentence so that the first sentence will read as follows:

> No person shall fire or discharge any firearm of any description within the limits of the lake, except law enforcement officers in the performance of their duties, except; however, that duly licensed hunters, licensed by the state and by the federal government, may hunt waterfowl during the time of each year, as designated for such hunting season.

SECTION 5. Section 11.08.300 of the Bloomington Municipal Code, entitled "Griffy Lake – Hunting and Trapping Forbidden" shall be amended by deleting the word "use" and replacing it with the word "discharge" and adding the word "use" after the words "firearms or" as both references appear in the first sentence so that the first sentence will read as follows:

> Since the Lake Griffy property is an urban area and heavily used for outdoor recreation and environmental education, the discharge of firearms or the use of any other hunting or trapping apparatus is not compatible with the Griffy environs and shall therefore be prohibited.

SECTION 6. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 7. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 14th day of SEPTEMBER, 2011.

Susan Sandberg

SUSAN SANDBERG, President
Bloomington Common Council

ATTEST:

Regina Moore

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 15th day of SEPTEMBER, 2011.

REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this 15th day of September, 2011.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the Bloomington Municipal Code as a consequence of Senate Enrolled Act 292. The ordinance amends existing sections 2.04.030, 11.04.050, and Section 11.08.300 and inserts sections 2.04.225 and 2.05.020(14). The Indiana General Assembly passed Senate Enrolled Act 292 during its spring 2011 session. Said Act has an effective date of July 1, 2011. The Act created a new chapter within the Indiana Code, Chapter, 35-47-11.1. This new Chapter specifically prohibits a political subdivision from regulating the possession of or carrying of a firearm by any person. Bloomington Municipal Code Section 2.04.030 allows for the sergeant-at-arms to ask any person carrying a firearm at a council meeting to relinquish his/her firearm. Bloomington Municipal Code Section 11.04.050 prohibits any person from carrying a firearm in the limits of Lake Lemon. Bloomington Municipal Code section 11.08.300 prohibits a person from using a firearm in the Lake Griffy area. Because the newly enacted Indiana Code Chapter 35-47-11.1 makes the aforementioned City municipal code sections void, this ordinance is being passed so that the municipal code accurately reflects the status of the law within the Bloomington community. This new Chapter states that political subdivisions are not prevented from the enactment or enforcement of a provision prohibiting or restricting the intentional display of a firearm at a public meeting and the City chooses to prohibit that conduct at all of its public meetings.

Signed copies to:
legal

BHC
Clerk
deputy

OA/CA