

**ORDINANCE NO. 2011 - 08**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SOUTHWEST RANCHES, FLORIDA, AMENDING THE TOWN'S CODE OF ORDINANCES SECTION 14-30, ENTITLED "FIREARMS PROHIBITED" TO BRING THE TOWN'S CODE INTO CONFORMITY WITH CHAPTER 2011-109 LAWS OF THE STATE OF FLORIDA, WHICH CREATES PENALTIES AND FINES FOR LOCAL GOVERNMENTS AND THEIR STAFF WHO MAY ENFORCE LOCAL LAWS INCONSISTENT WITH SECTION 790.33, FLORIDA STATUTES, WHICH PREEMPTS LOCAL REGULATION OF FIREARMS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, under a recently adopted law, Chapter No. 2011-109, codified within Section 790.33, Florida Statutes, the State has preempted local governments from regulating firearms and ammunition and creates criminal penalties for any local government and its staff attempting to do so; and

**WHEREAS**, the current Town Code prohibits firearms in Town parks, which is in now in conflict with State law; and

**WHEREAS**, the Town desires to amend Section 14-3, entitled "Firearms prohibited" to be consistent with State law.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN OF SOUTHWEST RANCHES, FLORIDA:**

**Section 1.** Section 14.30 entitled "Firearms prohibited," of the Town's Code of Ordinances is hereby amended to read as follows:

***Sec. 14-30. Firearms prohibited.***

*Possession and or discharging of firearms,—or recreational firearms, including but not limited to, paintball guns, water pistols, and slingshots, weapons, fireworks, or other explosives, are prohibited. This section shall not be interpreted in any way inconsistent with Florida Statutes preempting the regulation of firearms and ammunition under section 790.33, F.S., as may be amended.*

**Section 2. Conflicts.** All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**Section 3. Severability.** If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance. If any Court determines that this Ordinance, or any portion hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies), or circumstance(s), such determination shall not affect the applicability hereof to any other individual, group, entity, property or circumstance.

**Section 4. Inclusion in Code.** It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Town of Southwest Ranches Code; and that the sections of this Ordinance may be renumbered or re-lettered and the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

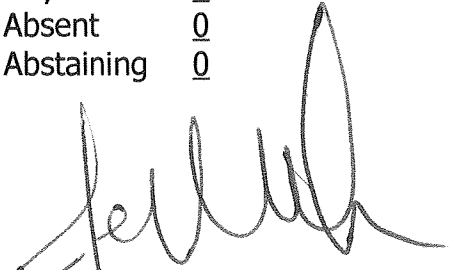
**Section 5. Effective Date.** This Ordinance shall be effective immediately upon its adoption.

**PASSED ON FIRST READING** this 4<sup>th</sup> day of August, 2011 on a motion made by Council Member McKay and seconded by Council Member Breitkreuz.

**PASSED AND ADOPTED ON SECOND READING** this 7<sup>th</sup> day of September, 2011 on a motion made by Vice Mayor Fisikelli and seconded by Council Member McKay.

Nelson            YES  
Fisikelli        YES  
Breitkreuz      YES  
McKay           YES  
Jablonski       YES

Ayes            5  
Nays            0  
Absent          0  
Abstaining     0

  
\_\_\_\_\_  
Jeff Nelson, Mayor

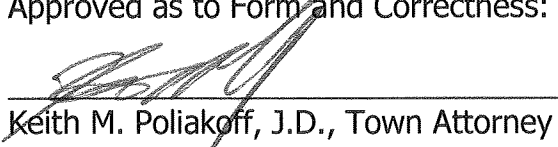
Attest:



---

Erika Gonzalez-Santamaria, CMC, Town Clerk

Approved as to Form and Correctness:



---

Keith M. Poliakoff, J.D., Town Attorney

ACTIVE: 3422164\_1