

ORDINANCE NO. 2011-43

AN ORDINANCE OF THE TOWN OF MALABAR BREVARD COUNTY, FLORIDA RELATING TO FIREARMS REGULATIONS; REPEALING PROVISIONS OF THE TOWN'S CODE OF ORDINANCES INCONSISTENT WITH 2011-109, LAWS OF FLORIDA; REPEALING PORTIONS OF SECTIONS 11-13, 12.5-1 AND 12.5-43 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WITNESSETH:

WHEREAS, the Florida Legislature adopted 2011-109, Laws of Florida, effective October 1, 2011 preempting local governments from enacting or causing to be enforced any local ordinance or administrative rule or regulation impinging upon the exclusive occupation of the field of firearms and ammunition regulation; and

WHEREAS, such legislation imposes severe penalties upon a local government and local officials for enacting or causing to be enforced any local ordinance or administrative rule or regulation prohibited by 2011-109, Laws of Florida; and

WHEREAS, the Town Council desires to comply with the provisions of 2011-109, Laws of Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Section 11-13 of the Code of Ordinances of the Town is amended in full to read as follows:

“Sec. 11-13. - Flammable or explosive refuse.

Highly flammable or explosive materials ~~such as ammunition, dynamite, and the like~~, shall not be placed in containers for regular collection. Such disposal shall be at the expense of the owner or possessor thereof. Nothing herein is intended to regulate any matters specifically preempted by 2011-109, Laws of Florida.”

SECTION 2. Section 12.5-1 of the Code of Ordinances of the Town relating to the definition of Firearms is amended to read as follows:

“Sec. 12.5-1. - Definitions.

Council Member Steve Rivet	Aye
Council Member Jeffrey (Jeff) McKnight	Aye
Council Member Marisa Acquaviva	Aye

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this 15 day of August, 2011.

BY: TOWN OF MALABAR

Thomas M. Eschenberg
Mayor Thomas M. Eschenberg

First Reading: 8/1/2011
Second Reading: 8/15/2011

ATTEST:

Debby K. Franklin
Debby K. Franklin, C.M.C.
Town Clerk/Treasurer

Approved as to form and
legal sufficiency by:

Karl W. Bohne
Karl W. Bohne, Jr.
Town Attorney