

Updated January 1, 2013

# **TOWN OF BURNS HARBOR, INDIANA**

## **TOWN CODE**

## CHAPTER 10

### OFFENSES & MISCELLANEOUS PROVISIONS FIREARMS & CURFEW

#### Sec. 10-1. CURFEW ESTABLISHED.

It shall be unlawful for any and all children under the age of 18 years, unless accompanied by parent or guardian or in the discharge of some errand or mission for said parent or guardian, to loiter, loaf, linger, or congregate or play upon the streets, alleys, or public grounds of the Town between the hours of 10:30 o'clock p.m. and 6:00 o'clock a.m. on all days. On Friday and Saturday evenings, however, the time shall be extended from 10:30 o'clock p.m. to 11:30 o'clock p.m.

#### Sec. 10-2. PENALTIES.

The parents or guardians of any child or children found violating these provisions shall, upon conviction, be fined in any sum not exceeding \$100.00 for any one offense.

#### Sec. 10-3. DEFINITIONS.

1. Residential Area: A residential area is any area of land located within 100 yards of any type of residential dwelling.
2. Firearms: Firearms are defined as any instrument used in the propulsion of shot, shell or bullets by the action of gun powder exploded within it.

#### Sec. 10-4. RESTRICTIONS.

**Prohibiting the Discharge of firearms or projectiles within the Town limits**  
(*Ordinance 185, September 14, 2005*)

1. The Town of Burns Harbor declares the discharge of firearms and other projectiles within the Town limits to be a prohibited activity and a nuisance, except as provided and specifically permitted by this Ordinance.
2. Except as provided in Sections 3 and 4 of this Ordinance, it shall be unlawful for any person, firm, corporation or other entity to discharge any firearm or projectile within the limits of the Town including but not limited to handguns, rifles, shotguns, BB guns, air or gas powered pellet guns, arrows, or any other projectile from either a gun or any other instrumentality. Provided however that this prohibition shall not be construed to prohibit any police officer or other officer of

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the law, member of the armed forces of the United States or National Guard to discharge a firearm or other projectile in the performance of his or her duty, nor to any person who discharges a firearm or other projectile when lawfully defending his person or property.

3. The firing and/or discharge of arrows for the purpose of bow hunting and target practice shall be permitted only under the following conditions:

- (a) There shall be no firing and/or discharge of arrows permitted on any land owned by the Town of Burns Harbor.
- (b) There shall be no firing and/or discharge of arrows permitted on any parcel of real estate consisting of less than 10 acres, or on any parcel of real estate situated south of Interstate Highway 94.
- (c) There shall be no firing and/or discharge of arrows permitted within one hundred (100) yards of any building, residence, traveled roadway, or park.
- (d) All firing and/or discharge of arrows permitted by this section shall be made from an elevated stand no less than ten (10) feet in height and facing the interior portion of the property on which it is located away from the nearest building, residence, traveled roadway, or park, and said firing and/or discharge should be restricted to the boundary of the property on which the elevated stand is located with permission of the owner.
- (e) Individuals seeking to fire or discharge arrows in conformity with this Section shall first register themselves by name, address, and phone number and identifying the location where the individual intends to fire and/or discharge arrows and shall further certify, in writing, that the individual has the permission of the property owner where the activity shall take place and has attended a hunter safety course.

4. Nothing in this Ordinance shall be construed as prohibiting the use or discharge of BB guns or air or gas powered pellet guns within the corporate boundaries of the Town for the purpose of target practice or pest control by an owner of property on said property or on the property of another where written permission has been granted by that property owner.

5. This ordinance repeals and supercedes Ordinance 83 and any other resolution or ordinance of the Town of Burns Harbor which is inconsistent herewith.

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6. Violation of this ordinance, upon conviction, shall be punishable by a fine of up to \$2,500.00 for the first violation and up to \$7,500.00 for a second or subsequent violation. Each incident in violation of this ordinance constitutes a separate violation. In addition, the Town of Burns Harbor may seek injunctive relief against any person who violates the provisions of this ordinance.
  
7. If any portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other portion or provision of this ordinance.