

ELMORE COUNTY ORDINANCE NO. 3-70

AN ORDINANCE PROHIBITING THE CARELESS, RECKLESS OR NEGLIGENT USE OF A FIREARM WITHIN ELMORE COUNTY, IDAHO; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL HAVE NO APPLICATION WITHIN THE LIMITS OF ANY INCORPORATED CITY WITHIN ELMORE COUNTY, IDAHO; PROVIDING FOR DEFINITIONS; PROVIDING FOR UNLAWFUL ACTS; PROVIDING FOR A PENALTY; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FURTHER FOR A SAVINGS CLAUSE AND ~~EFFE~~^{FE}-FECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, IN LAWFUL MEETING ASSEMBLED:

Section 1. For the purpose of providing for the safety, promoting the health and prosperity, improving the peace and good order, comfort and convenience of Elmore County and the inhabitants thereof, and for the protection of persons and property therein, this Ordinance is hereby enacted to regulate the discharge of firearms within Elmore County, Idaho.

Section 2. DEFINITIONS: Whenever the term "firearms" is used in this Ordinance, the term shall mean any instrument used in the propulsion of bullets, pellets or other projectiles by the action of gun powder exploded within it, or by the action of compressed air within it.

Section 3. UNLAWFUL ACTS: It shall be unlawful for any person to handle, use or operate any firearm in a careless, reckless or negligent manner, or without due caution and circumspection, whereby the same is fired or discharged in such a manner which could reasonably cause injury or damage to persons

or property, whether or not such injury to persons or property actually occurs.

Section 4. PENALTIES: A violation of this Ordinance shall constitute a misdemeanor and upon conviction thereof the defendant shall be punished by a fine of not to exceed \$300.00, or by imprisonment in the County Jail for not more than six (6) months, or by both such fine and imprisonment.

Section 5. The provisions of this Ordinance shall not apply within the incorporated limits of any city in Elmore County, Idaho, and shall apply only to the discharge of firearms outside of the incorporated limits of any city located in Elmore County, Idaho.

Section 6. REPEAL OF CONFLICTING ORDINANCES: All ordinances in conflict herewith are hereby repealed.

Section 7. SAVINGS CLAUSE: In the event any of the above-entitled Sections are declared unconstitutional and unlawful, each Section thereof shall be declared independent of the other.

Section 8. EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED, under suspension of the rules, at a regular meeting of the Elmore County Board of County Commissioners in the City of Mountain Home, County of Elmore, State of Idaho, held on the 27th day of July, 1970, upon which a roll call vote was duly taken and said Board duly enacted by a unanimous vote as an Ordinance of Elmore County, Idaho.

APPROVED this 27th day of July, 1970.

MAURICE A. RIDDLE
Chairman, Board of County
Commissioners, Elmore County,
Idaho.

ATTEST:

W. H. TRAIL
Clerk of the Board of County
Commissioners