

ORDINANCE NO. 1404

An ordinance amending Chapter 2 of the Code of the City of Jamestown, North Dakota, by enacting Section 2-61 in order to set forth regulations concerning the use and regulation of firearms during emergencies in the City of Jamestown.

WHEREAS, the North Dakota Legislative Assembly has enacted new regulations prohibiting the restriction and use of firearms in emergencies.

WHEREAS, to allow enforcement of the new provisions the City Code of the City of Jamestown requires updating.

NOW, THEREFORE, be it ordered by the City Council of the City of Jamestown, North Dakota that Chapter 2, Section 2-61, be amended and enacted as follows:

Sec. 2-61. Firearms in emergencies.

(1) Notwithstanding any other law, a person acting on behalf or under the authority of the state or a political subdivision may not do any of the following during a declared emergency:

(a) Prohibit or restrict the otherwise lawful possession, use, carrying, transfer, transportation, storage, or display of a firearm or ammunition;

(b) Seize or confiscate, or authorize the seizure or confiscation of, any otherwise lawfully possessed firearm or ammunition unless the person acting on behalf of or under the authority of the state or political subdivision is defending that person or another from an assault, arresting an individual in actual possession of a firearm or ammunition for a violation of law, or seizing or confiscating the firearm or ammunition as evidence of a crime; or

(c) Require registration of any firearm or ammunition for which registration is not otherwise required by law.

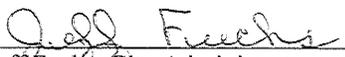
(2) Subdivision (a) of subsection (1) as it relates to transfer of a firearm or ammunition does not apply to the commercial sale of firearms or ammunition if an authorized authority has ordered an evacuation or general closure of businesses in the affected area.

(3) Any individual aggrieved by a violation of this section may commence a civil action against any person who subjects the individual, or causes the individual to be subjected, to an action prohibited by this section.

(4) In addition to any other remedy, an individual aggrieved by the seizure or confiscation of a firearm or ammunition in violation of this section may bring an action for the return of the firearm or ammunition, or the value of the firearm or ammunition, if the firearm or ammunition is no longer available, in the district court of the county in which that individual resides, in which the firearm or ammunition is located, or in which the seizure or confiscation occurred.

(5) In any action to enforce this section, the court shall award a prevailing plaintiff costs and reasonable attorney's fees.

ATTEST:


Jeff Fuchs, City Administrator

APPROVED:


Katie Andersen, Mayor

Introduced by Council Member Brubakken
Seconded by Council Member Kourajian
First Reading: July 1, 2013
Second Reading: July 26, 2013
Final Passage: July 26, 2013

Consent Roll Call No. 1, Item 4, showed: 3 ayes, 0 nays, 2 absent.