

CHAPTER 12

State law reference: Similar provisions SS 870.02, Florida Statutes; conspiracy, Ch. 833, Florida Statutes.

SECTION 12-21. WEAPONS AND FIREARMS, GENERALLY. It shall be unlawful to discharge in the Town of Melbourne Village firearms or weapons, which terms shall include but shall not be limited to pistols, rifles, shotguns, air rifles, dart guns, pellet guns, bows and arrows and other devices forcefully emitting projectiles with sufficient force to produce bodily harm. (Ord. No. 99, S 1, 10-24-78).

State law reference: Use of BB gun by children under sixteen limited, SS 790.22, Florida Statutes; carrying slingshot concealed, SS 790.15, Florida Statutes; manufacture and sale of slingshots, SS 790.09, Florida Statutes.

SECTION 12-22. WEAPONS AND FIREARMS USED BY LAW ENFORCEMENT OFFICERS. These provisions (of section 12-21) shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, or any citizen from discharging a firearm when lawfully defending person or property. (Ord. No. 99, S 1, 10-24-78)

State law reference: Discharging firearms in public, SS 790.15, Florida Statutes; carrying firearms in national forests, SS 790.11, Florida Statutes; target shooting on Sunday, SS 855.06, Florida Statutes.

SECTION 12-23. SAME--IN POSSESSION OF ARRESTED PERSONS.

(a) If any person is lawfully arrested while committing a criminal offense or a breach or disturbance of the public peace and shall have on his person any dangerous weapon, the arresting officer shall take possession of such weapon.

(b) If such person shall be convicted in the municipal court, such weapon shall be forfeited; but if such person shall be acquitted, the weapon shall be returned to him.

State law reference: Similar provisions, SS 790.08, Florida Statutes.

CHAPTER I

(3) In the event a new section not heretofore existing in the Code is to be added, the following language shall be used: "That the Melbourne Village Code is hereby amended by adding a new section to be numbered Section _____, which said Section shall read as follows:" The new section shall then be set out in full.

(4) All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article or chapter number in the following language: "That Section (Chapter or Article) _____ of the Melbourne Village Code is hereby repealed."

SECTION 1-8. ALTERING CODE. No person in the town shall change or amend by additions or deletions, any part or portion of this Code, or insert or delete pages, or portions thereof, or alter or tamper with such Code in any manner whatsoever which will cause the law of the Town of Melbourne village to be misrepresented thereby.

SECTION 1-9. GENERAL PENALTY: CONTINUING VIOLATIONS.

(1) Whenever in this Code any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this Code shall be punished by a fine not exceeding five hundred dollars or by imprisonment for a term not exceeding sixty days, or by both fine and imprisonment.

(2) Each day a violation of any provision of this Code shall continue, shall constitute a separate offense, and each act in violation of the provisions of this Code shall be considered a separate and distinct offense.

(3) In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by the town, abated as provided by law, and each day that such condition continues shall be regarded as a new and separate offense.

Charter reference: Maximum penalty authorized, S26.

State law reference: Penalties for violations of ordinances, S165.19, Florida Statutes.