

ORDINANCE NO. 091311A

**ORDINANCE AMENDING ARTICLE IV, SECTION 4.10 OF THE
McCORDSVILLE ZONING ORDINANCE**

WHEREAS, the Town Council of the Town of McCordsville, Indiana, has heretofore adopted Ordinance No. 121010 thereby enacting the McCordsville Zoning Ordinance; and

WHEREAS, contained within said Zoning Ordinance is Article IV, Section 4.10 regarding specific use standards for Fire Arm/Gun Sales; and

WHEREAS, the Indiana General Assembly through Senate Enrolled Act 292 has added, as of July 1, 2011, to the Indiana Code 35-47-11.1-5.1 a portion of which prohibits a political subdivision from regulating firearms, ammunition, and firearms accessories, with certain exceptions specifically exception (4) which states “The enactment or enforcement of generally applicable zoning or business ordinances that apply to firearms businesses to the same degree as other similar business. However, a provision of an ordinance that is designed or enforced to effectively restrict or prohibit the sale, purchase, transfer, manufacture, or display of firearms, ammunition, or firearm accessories that is otherwise lawful under the laws of this state is void. A unit (as defined in IC 36-1-2-23) may not use the units planning and zoning powers under IC 36-7-4 to prohibit the sale of firearms within a prescribed distance of any other type of commercial property or of school property or other educational property.”; and

WHEREAS, Article IV, Section 4.10 contains certain provisions that might be deemed void pursuant to the provisions of Indiana Code 35-47-11.1-5; and

WHEREAS, the McCordsville Advisory Plan Commission has considered an ordinance amending the aforementioned Article IV, Section 4.10, held a public hearing on said amendment as required by law on the 16th day of August, 2011, and recommended passage of said ordinance to the McCordsville Town Council; and

WHEREAS, the Town Council of the Town of McCordsville, Indiana, believes the amendment of Article IV, Section 4.10 of the McCordsville Zoning Ordinance is necessary to come into compliance with the language set forth.

THEREFORE BE IT ORDAINED by the Town Council of the Town of McCordsville, Indiana that Ordinance No. 121410 be amended as follows:

SECTION I

Article IV, Section 4.10 is deleted in its entirety and inserted in lieu thereof is the following:

Section 4.10 Fire Arm/Gun Sales

The establishment of any firearm sales shop/gun sales shop will be subject to the specific use standards applicable to the same degree as they are applicable to other similar businesses in the same zoning designation pursuant to the provisions of Indiana Code 35-47-11.1-5.

SECTION II

This Ordinance shall be in full force and effect from and after its passage and due

publication.

SECTION III

Introduced and filed on the ____ day of _____, 2011. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of ____ in favor and ____ opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this ____ day of _____, 2011 by the Town Council of the Town of McCordsville, Hancock County, Indiana, having been passed by a vote of ____ in favor and ____ opposed.

TOWN OF MCCORDSVILLE, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Voting Opposed:

Jennifer E. Williams

Jennifer E. Williams

Brent Barnes

Brent Barnes

Maxwell A. Meise

Maxwell A. Meise

Thomas R. Strayer

Thomas R. Strayer

Barry Wood

Barry Wood

ATTEST:

Catherine C. Gardner
Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O. Box 6, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. Gregg H. Morelock.

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