



# City of DeBary, Florida

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## DeBary Public Safety Advisory Committee

Tuesday, May 10, 2005

9:00 AM

Florence K. Little Town Hall

12 Colomba Road

### MINUTES

#### I. Call to Order

#### II. Roll Call

**Members Present:** John Harvey, Gene Leighton, Marion Lane, and Josephine Opisso

**Members Absent:** Linda Waczkowski

**Others Present:** City Manager Maryann Courson, City Clerk Stacy Tebo, Council Member Patrick Fulton, George Coleman, and Captain Alan Osowski

#### III. Approval of Minutes

1. Regular Meeting held March 8, 2005
2. Special Workshop held March 15, 2005
3. Special Workshop held March 22, 2005
4. Special Workshop held March 29, 2005

Mr. Harvey stated that the Board did not have copies of the minutes and would need to postpone the approval until the next meeting.

#### IV. Old Business

1. Update on Presentation of the Emergency Disaster Management Plan to City Council.

Mr. Harvey said that the Plan would be discussed by Council at a workshop on 5/18/05 at 7 p.m.

## **V. New Business**

1. Discussion regarding possible ordinance for the discharge of firearms within the City limits.

Mr. Harvey noted that the Board received copies of various ordinances to peruse from neighboring cities relating to the topic of discharging firearms.

Mr. Leighton asked if the City already had an ordinance relating to pellet guns. Mr. Coleman answered that it had been proposed to Council, but it was never adopted.

There was a discussion regarding the annual turkey shoot held by the Moose Lodge.

Mr. Leighton asked Captain Osowski if the State or County has a statute or ordinance that prohibits discharge of firearms. Captain Osowski answered that the State is pretty liberal; that one cannot shoot into someone else's property; and that the City can be more restrictive than the State. He discussed that the City of Deland's ordinance prohibits people from defending their home with firearms or shooting BB guns; and that it might be appropriate in a residential city such as South Daytona, but it might not be appropriate in an area such as Orlandia Heights.

Ms. Lane asked if bows and arrows would be included in this possible ordinance. There was a discussion regarding paint guns and bow and arrows not being included as firearms.

Captain Osowski spoke about the possible registration of all firearms, and stated there might be serious objections to that by the NRA. Mr. Harvey stated that there is a lot of hunting on private property within the City. Mr. Harvey said that he found the examples on [municode.com](http://municode.com), and if the Board desired, they could research other examples from anywhere in the country.

Ms. Opisso asked Captain Osowski how Deland's Ordinance has held up in court. Mr. Harvey said the City Attorney would probably be better able to answer that. Captain Osowski said that the Sheriff's office has not had a problem with the discharge of firearms in DeBary; that there have been only sporadic complaints every couple of years; and that Progress Energy has complained of hunting on their property as a trespass issue and not a discharge issue.

Mr. Leighton asked if they could limit private property shooting to within 500 feet of a dwelling on private property. Captain Osowski discussed the various ranges of different firearms, and a discussion followed regarding allowing certain types of firearms.

Ms. Courson said that that there might not be any action taken by the Board on this idea after researching it fully. Any recommendation that the Board has on the firearms ordinance will be forwarded to the City Council.

Mr. Leighton asked if the City could require the Moose Lodge to obtain liability insurance for the shooting event. Ms. Courson answered that the City does not become involved with private property issues, and said that if it was City property or a City-sponsored event, then there would

be certain insurance requirements. She said she would get the Board copies of the State Statute pertaining to firearms.

Mr. Coleman related a story to the Board of his neighbors shooting a rattlesnake in their yard.

Mr. Harvey suggested the Board take some time to see if they wanted to pursue the ordinance, and if they might want something very general like Deland has or something that provides some latitude. Ms. Lane said they needed time to digest the information and read all of the examples they had been provided. Mr. Harvey said the Board would discuss it at the next meeting.

Ms. Opisso said she would like to know how these types of ordinances are enforced in other cities. Ms. Courson stated that the City of DeBary has a general provision for punishment, which is up to a \$500 fine and a misdemeanor. She related that in her personal experience the City of South Daytona had a hard time enforcing their ordinance because if the officers did not see the person discharge the gun, they would have to have a witness sign a statement, which was not practical.

Mr. Harvey told the Board they needed to look at more information, and they would defer any action until the next meeting.

Before the Board adjourned, Captain Osowski informed them that the white confirmation system had been installed at the traffic light located at Highbanks and 17-92.

## **VI. Public Participation**

None.

## **VII. Adjournment**

Gene Leighton moved to adjourn the meeting. Marion Lane seconded, and the meeting was adjourned at 10:03 a.m.

**APPROVED July 5, 2005  
CITY OF DeBARY  
Public Safety Advisory Committee**

**John Harvey, Chairman**