

THE CITY OF PARK HILLS, KENTUCKY  
ORDINANCE NO. 13, 2012

AN ORDINANCE REPEALING CHAPTER 112.04 OF THE PARK HILLS CODE OF ORDINANCES, ENTITLED *SALE OF FIREARMS*, IN ITS ENTIRETY, AND AUTHORIZING PUBLICATION IN SUMMARY

WHEREAS, That in 1980, our General Assembly enacted KRS §82.082 (the Home Rule Statute) allowing cities to exercise any power and perform any function within its boundaries that is in furtherance of a public purpose of the city and not in conflict with a constitutional provision or statute; and

WHEREAS, That Chapter 112.04 of the Park Hills Code of Ordinances, entitled *Sale of Firearms*, regulates persons, firms, companies, or corporations engaged in the business of selling pistols, revolvers, and like or similar instruments; and

WHEREAS, That in 2012, our General Assembly enacted HB 500 to prohibit, among other things, cities from regulating the sale and purchase of firearms, ammunition, components of firearms, components of ammunition, firearms accessories, or combination thereof; and

WHEREAS, That our General Assembly placed an affirmative duty on cities within HR 500 to, among other things, repeal any ordinance or regulation with regard to the sale and purchase of firearms and the aforementioned subjects.

NOW THEREFORE, be it ordained by The City of Park Hills, Kentucky, as follows:

**Section One:** That Chapter 112.04 of the Park Hills Code of Ordinances, entitled *Sale of Firearms*, be, and it is, repealed in its entirety as follows:

**CHAPTER 112: SPECIAL OCCUPATIONAL  
REGULATIONS, TAXES, AND FEES**

Section	
112.01	Regulation and licensing of solicitors and canvassers
112.02	Regulation and registration of charitable solicitors
112.03	Regulation of home occupations
<del>112.04</del>	<del>Sale of firearms</del>

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~~112.04 SALE OF FIREARMS.~~

~~(A) Licensing of dealer. Every person, firm, company, or corporation hereinafter called "Dealer," engaged in the business of buying or selling pistols, revolvers, and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the City of Park Hills, and shall pay an annual license fee of Twenty Five Dollars (\$25.00) to conduct the business of buying or selling pistols, revolvers, and like or similar instruments, and said license fee shall be in addition to any other business license held by said dealer.~~

~~(B) Dealer's Bond.~~

~~(1) Before a license shall be issued, such Dealer shall execute a bond to the City of Park Hills in the minimum sum of One Thousand Dollars (\$1,000.00), either in cash or with corporate surety to be approved by the Chief of Police.~~

~~(2) Such bond shall contain, in substance, the agreement that if any of the provisions of this section are violated by the "Dealer," or by an agent or employee of the "Dealer," then the principal and surety upon such bond shall be jointly and severally liable to the City of Park Hills for the full amount of the bond.~~

~~(C) Record of stock. Each "Dealer" shall keep a record of all pistols, revolvers, and like or similar instruments in stock. He shall have made a complete record of all such instruments on hand at the time of the issuance of the said license and shall post to such record all pistols, revolvers, and like or similar instruments received by him from any source within twenty four (24) hours of the time of such receipt and shall post to such record all sales made by him within twenty four (24) hours from the date of the delivery of any such instruments sold by him. Said record shall show the caliber or size, the make and model, the serial or factory number, the barrel length, finish of each such instrument, the source from which received, and if a sale, the name and address of the purchaser.~~

~~(D) Purchaser's qualifications. No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting~~

and which shall contain the following information: The purchaser's name, age, address, description, place of employment, citizenship, and statement of criminal record. If the prospective purchaser is an alien or if his record indicates that he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property, or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

(E) Report of sale. When the "Dealer" ascertains that the prospective purchaser is properly qualified and has executed the affidavit, as above provided, he may complete the sale and deliver the pistol, revolver, or like or similar instrument to the purchaser. The caliber or size, the make and model, and the serial or factory number of each such pistol, revolver, or like or similar instrument shall be entered on the affidavit form, or such other form as shall be required by the City, and the original of the affidavit form including any supplemental form, shall be delivered to the City Chief of Police within forty eight (48) hours from the time of such delivery. The forms may be mailed to the Chief of Police and, although not actually received by him within the forty eight (48) hour period, it shall meet the requirements of this section.

(F) Report forms. It shall be the duty of the Chief of Police to furnish the approved type of affidavit and report forms as are herein required.

(G) Sale to unlicensed "Dealers." It shall be unlawful for any person, firm or corporation to sell a revolver, pistol, or like or similar instrument to any unlicensed "Dealer" at any time.

(H) Sale to minors. It shall be unlawful for any person, firm, or corporation to sell a revolver, pistol, or like or similar instrument to any minor at any time.

(I) Wholesales excepted. Nothing contained in this section shall apply to sales at wholesale to a licensed "Dealer."

(J) ~~Inspections of records.~~ It shall be the duty of a “Dealer” to permit the Chief of Police or any police officer to inspect the records concerning the purchase or sale of any revolver, pistol, or like or similar instrument.

(K) ~~Penalties.~~

(1) Any person, firm or corporation who violates any of the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) Dollars, or by imprisonment for a period of not less than five (5) days nor more than fifty (50) days, or both. Each day of non-compliance with any of the provisions of this section shall constitute a separate offense.

(2) In addition, a violation of any provision of this section by a “Dealer,” or by an agent or employee of such “Dealer” shall be grounds for the revocation or suspension of the license of such “Dealer.”

**Section Two:** That if any provision of this ordinance is deemed by a court of competent jurisdiction to be unenforceable or unconstitutional, the remaining provisions of this ordinance shall continue in full force and effect.


**Section Three.** That all other ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

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**Section Four.** That this ordinance shall take full force and effect upon publication as required by KRS Chapter 424 and other applicable law. This ordinance shall be published in summary form pursuant to KRS §83A.060(9) and other applicable law.

  
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Don Catchen, Mayor

ATTEST:

  
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City Clerk

First Reading: 8/13/12  
Second Reading: 9/10/12  
Passed: 9/10/12