

**Proposed Firearm Discharge Ordinance
Town of Mendon, Vermont**

Draft dated 2-23-21

ARTICLE 1- Authority.

The Selectboard of the Town of Mendon, in the County of Rutland, State of Vermont, acting under the authority granted in 24 V.S.A. § 2291 (8) and 24 V.S.A. Chapter 59 hereby adopt this ordinance regulating the discharge of firearms within the Town of Mendon boundaries. A violation of this ordinance shall be a civil matter, enforced in accordance with the provisions of 24 V.S.A. Chapter 59.

SECTION II – PURPOSE.

It is the purpose of this ordinance to regulate the discharge of firearms within the Town boundaries in order to promote the safety, health and welfare of the residents and the public.

SECTION III – DEFINITIONS.

- A. **“Discharge”** – Shall mean an incident where an individual shoots or fires a firearm one or more times within a one-hour period.
- B. **“Firearm”** – shall mean any weapon which will expel a projectile by action of an explosive charge, and includes any weapon commonly referred to as a handgun, rifle, pistol, gun, muzzle loader or shotgun.
- C. **“Air Rifle” or “Air Pistol”** – A rifle or pistol or BB Gun that discharges a projectile by use of compressed air.
- D. **“Habitable Building”** – shall mean any building or structure that may contain a person, whether or not a person is actually in the building or structure.

E. **“Incident”** – shall mean the shooting of 1 or more projectile discharges within a 24-hour period. Each successive incident violating this ordinance shall be considered a separate incident.

F. **“Designated Hiking Trail”** – shall mean a marked trail, meaning a trail marked by a man-made blaze, scar or paint, or manufactured sign by the state of Vermont, outdoor organization, including but not limited, to the Green Mountain Club, the Catamount Trail, the Long Trail, VAST (Vermont Association of Snow Travelers), or the Town of Mendon.

SECTION IV – DISCHARGE LIMITATIONS.

A. No person shall discharge a firearm or air gun within 500 feet of the travelled way of a town road or highway, state highway, designated hiking trail, or habitable building.

B. No person shall discharge, or cause to be discharged, any firearm, between the hours of 8 pm and 8 am, except as allowed under Section V.

SECTION V – EXEMPTIONS.

A. **Law Enforcement Exemption** – This ordinance shall not apply to the discharge of firearms by police officers, sheriffs, constables, game wardens and other statutorily designated law enforcement officers in the performance of their duties.

B. **Self Defense Exemption** – This ordinance shall not be construed to limit any rights or immunities to discharge firearms in the defense or protection of persons or property as allowed by Vermont Statutes.

C. **Hunting Exemption** – This ordinance shall not apply to hunting during the annual hunting seasons, as defined by the State of Vermont Fishing &

Wildlife Department Rules and Regulations, and in accordance with all such applicable hunting laws and regulations.

- D. **Destruction of Animals Exemption** – This ordinance shall not apply to the discharge of a firearm for destroying livestock, or destroying an animal when such animal can be shown by the person discharging the firearm, to have constituted an immediate danger to any person or the property of any person, or when the animal is so seriously injured or diseased, that its destruction is necessary, No firearm shall be so discharged unless all reasonable precaution has been taken to insure the protection of the public.
- E. **Licensed Trappers** – Licensed trappers shall be permitted the use of pistols of not greater than .22 caliber, using rimfire ammunition, to dispatch animals legally trapped.

SECTION VI - ENFORCEMENT

- A. Any person who discharges a firearm or air gun in violation of this ordinance, shall be subject to a civil penalty as follows or as allowed by statute if the legal penalty limit for each violation, is increased by state statute after the adoption of this ordinance. Any law enforcement officer may act as an Issuing Municipal Officer and issue and pursue, before the Vermont Judicial Bureau, a municipal complaint for violation of this ordinance.
- B. **Violation #1:** Written Notice of Violation (to remain on record);
- C. **Violation #2:** A fine of twenty-five percent (25%) of the maximum amount of allowable civil penalty allowed by law as provided in 24 V.S.A. § 1974a (currently \$800) or a subsequent statute maximum amount;
- D. **Violation #3:** A fine of fifty percent (50%) percent of the maximum amount allowable civil penalty allowed by law as provided in 24 V.S.A. § 1974a or a subsequent statute maximum amount.

- E. **Violation # 4 and all subsequent violations:** A fine of one hundred percent (100%) of the maximum amount of allowable civil penalty allowed by law as provided in 24 V.S.A. § 1974a or a subsequent statute maximum amount.
- F. **Other action:** In addition to the enforcement procedures available to the town before the Vermont Judicial Bureau, as listed above in sections **VI-A-E**, the Town Administrator, or other designee of the town, is hereby authorized to commence a civil action to enforce this ordinance, obtain injunctive relief or pursue any other remedy available at law.

SECTION VII – SEVERABILITY

Any part or provision of the ordinance shall be considered severable and the invalidity of any part or section will not be held to invalidate any other part or provision of this ordinance.

Adopted this _____ day of _____, 2021 by the Town of Mendon Select board.

Richard Wilcox, Chair _____

Larry Courcelle, Member _____

Geofrey Wells, Member _____