

VILLAGE OF JOHNSON

Firearm Discharge Ordinance

The Trustees of the Village of Johnson hereby ordain:

- I. **AUTHORITY:** This ordinance is enacted pursuant to 24 V.S.A. §2291(8). It shall constitute a civil ordinance within the meaning of 24 V.S.A. Chapter 59.
- II. **PURPOSE:** It is the purpose of this ordinance to regulate the discharge of firearms within the Village in order to promote the public health, safety and welfare throughout the Village of Johnson.
- III. **DEFINITIONS:** Unless the context otherwise indicates, as used in this ordinance:
 - A. "Discharge" shall mean to shoot or fire a firearm.
 - B. "Firearm" shall mean any weapon from which a missile or projectile, such as a single slug or bullet, is hurled by an explosive. The term "Firearm" includes, but is not limited to muzzle loading weapons.
 - C. "Loose Shot" shall mean multiple spherical type projectiles to be discharged from a shotgun.
 - D. "Muzzle loading weapon" are rifles, shotguns, pistols or cannons incapable of being loaded through the breech without the use of tools.
 - E. "Pistol" shall mean a small firearm having a stock to fit the hand, and a short barrel, and fired from one hand.
 - F. "Projectile" shall mean a missile or missiles projected or thrown by force from a firearm.
 - G. "Revolver" shall mean a type of pistol having a revolving cylinder in the breech chambered to hold several cartridges that may be fired in succession without reloading.
 - H. "Rifle" shall mean a firearm having a rifled or spirally grooved bore, usually fired from the shoulder and loaded from the breech.
 - I. "Shot" shall mean a spherical missile, such as a ball of iron, or a bullet or pellet of lead, to be discharged from a firearm; also, such pellets collectively.

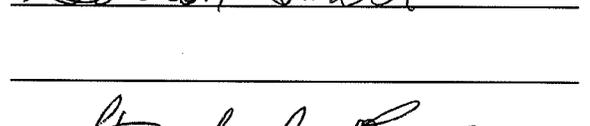
- J. "Shoot" shall mean to discharge a projectile from a firearm.
 - K. "Shotgun" shall mean a smoothbore gun, either single or double barreled, adapted for the discharge of shot.
- IV. DISCHARGE LIMITATIONS: No person shall discharge a firearm, including but not limited to a rifle, pistol, revolver, shotgun or muzzle loading weapon within the municipal limits of the Village of Johnson.
- V. EXEMPTIONS-ACTS AUTHORIZED BY STATUTE: 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 legal duties. This ordinance shall not be construed to limit any rights or immunities to discharge firearms in the defense or protection of persons or property provided by Vermont Statutes.
- VI. ENFORCEMENT BEFORE THE TRAFFIC AND MUNICIPAL ORDINANCE BUREAU: Any person who discharges a firearm in violation of this ordinance shall be subject to a civil penalty of up to \$400.00 for each discharge. Any law enforcement officer may act as an Issuing Municipal Official and issue and pursue before the Traffic and Municipal Ordinance Bureau a municipal complaint for violation of this ordinance.
- VII. WAIVER PENALTY FOR MUNICIPAL COMPLAINT: An issuing municipal officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amounts, for any person who declines to contest a municipal complaint and pays the waiver fee. Offenses shall be counted on a twelve-month basis beginning with the date of the first offense:
- | | | |
|----|-------------------------------|----------|
| A. | First offense | \$50.00 |
| B. | Second offense | \$75.00 |
| C. | Third offense | \$100.00 |
| D. | Fourth and subsequent offense | \$200.00 |
- VIII. CIVIL PENALTY FOR ORDINANCE VIOLATION: An issuing municipal officer is authorized to recover civil penalties in the following amounts for each violation of this ordinance. Offenses shall be counted on a twelve-month basis beginning with the date of the first offense:
- | | | |
|----|-------------------------------|----------|
| A. | First offense | \$75.00 |
| B. | Second offense | \$100.00 |
| C. | Third offense | \$200.00 |
| D. | Fourth and subsequent offense | \$400.00 |

- IX. **ADDITIONAL ENFORCEMENT RIGHTS:** In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau the Village of Johnson is authorized to commence a civil action to obtain injunctive or other appropriate relief, or to pursue any other remedy authorized by law.
- X. **SEVERABILITY:** If any portion of this ordinance and any amendments made hereto are held unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance and amendments made hereto shall not be affected and shall remain in full force and effect. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.
- XI. **REPEAL OF PRIOR ORDINANCES:** Any other ordinance or regulation heretofore adopted by the Village of Johnson for the control of firearm discharge is hereby repealed.

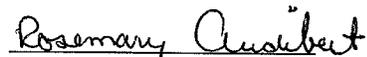
Adopted this 28 day of January, 2002.

VILLAGE OF JOHNSON TRUSTEES






Received and recorded this 31 day of January, 2002


Johnson Village Clerk