

TOWN OF WEST RUTLAND
Firearm Discharge Ordinance

The Selectboard of the Town of West Rutland hereby ordains:

SECTION I – AUTHORITY

This ordinance is enacted pursuant to 24 VSA, Section 2291 (8). It shall constitute a civil ordinance within the meaning of 24 VSA Chapter 59.

SECTION II – PURPOSE

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

SECTION 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.
- C. "Loose Shot" shall mean multiple spherical type projectiles to be discharged from a shotgun.
- D. "Pistol" shall mean a small firearm having a stock to fit the hand, and a short barrel, and fired from one hand.
- E. "Projectile" shall mean a missile or missiles projected or thrown by force from a firearm.
- F. "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.
- G. "Rifle" shall mean a firearm having rifled or spirally grooved bore, usually fired from the shoulder and loaded from the breech.
- H. "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.
- I. "Shoot" shall mean to discharge a projectile from a firearm.
- J. "Shotgun" shall mean a smoothbore gun, either single or double-barreled, adapted for the discharge of shot.

SECTION IV – DISCHARGE LIMITATIONS

The discharge of a firearm within the boundary of the area as defined in this section is prohibited. The provisions of this ordinance shall pertain to the geographical area encompassed by the following boundaries. Beginning with the intersection of Pleasant St. and US RT4A, follows the center of Pleasant St. to and along the center of Crescent St. to and along the center of Marble St. to Barnes St. Continues along the center of Barnes St. to Rte. 4A, then north along the center of Rte. 4A to the northern boundary of the church cemetery. From the northern cemetery boundary it continues to the Highway Fence at the west-bound lanes along Rt. 4 to the Clarendon River, proceeding along the center of the Clarendon River to and along the center of the Old Boardman Hill Rd. to the center of Rte. 4A and then on to Pleasant St., the point of beginning.

SECTION V – 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 person or property provided by Vermont Statutes. Nor shall this ordinance apply to the discharge of firearms on residential properties outside the Prohibited Firearms Discharge Area by persons who own or are the legal tenants of such property.

SECTION 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 \$500.00 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.

SECTION VII – WAIVER FEE FOR MUNICIPAL COMPLAINT

An issuing municipal official 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:

First offense	\$ 75.00
Second offense	\$100.00
Third offense	\$150.00
Fourth and subsequent offense	\$250.00

Offenses shall be counted on a 12 month basis beginning with the date of the first offense.

SECTION VIII – CIVIL PENALTY FOR ORDINANCE VIOLATION

An issuing municipal official is authorized to recover civil penalties in the following amounts for each violation of this ordinance:

First offense	\$100.00
Second offense	\$200.00
Third offense	\$300.00
Fourth and subsequent offense	\$500.00

Offenses shall be counted on a 12 month basis beginning with the date of the first offense.

SECTION IX – ADDITIONAL ENFORCEMENT RIGHTS

In addition to the enforcement procedures available before the Traffic and Municipal Ordinance Bureau, the Town is authorized to commence a civil action to obtain injunctive or other appropriate relief, or to pursue any other remedy authorized by law.

SECTION 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.


SECTION XI – REPEAL OF PRIOR ORDINANCES:

Any other ordinance or regulation heretofore adopted by the Town of West Rutland for the control of firearm discharge is hereby repealed.

West Rutland Selectboard



Thomas Ascoli, Chairman



Peter Bianchi

Duane Dickinson



Ed Gilman



David McDevitt

ADOPTED: October 14, 2002

**WEST RUTLAND TOWN CLERK'S OFFICE
RECEIVED FOR RECORD**

23rd day of Dec AD, 2002

At 11 O'Clock 00 Minutes A M

And Recorded in Town Meeting & Misc.

Book 5 Page 480

Attest: 
TOWN CLERK