

Village of Hyde Park Firearm Discharge Ordinance

The Board of Trustees of the Village of Hyde Park 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 Village in order to promote the public health, safety, and welfare throughout the Village of Hyde Park.

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

Section IV - Discharge Limitations

- A) The "Prohibited Firearms Discharge Area" shall be described as follows: The portion of land using Route 15 as a northerly border and extending south, east and west to the boundaries that divide that of the Village from the Town as indicated on Attachment "A".

No person shall discharge a rifle, pistol or revolver or single projectile from a shotgun within that area of the Village herein described as the "Prohibited Firearms Discharge Area".

- B) The discharge of any type of firearm outside of the Prohibited Firearms Discharge Area but within the Village limits is permitted so long as the firearm is not discharged within 300 feet of any building, whether occupied, unoccupied, or any public park or recreation area or any strip of land dedicated for use by the public for motor vehicle and/or pedestrian travel.

Section 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 of protection of person or property provided by Vermont statutes.

Section VI - Enforcement

Any person who discharges a firearm within the Prohibited Firearms Discharge Area in violation of this ordinance shall be subject to a fine of up to \$400.00 by Vermont Superior Court. (VSA 24, Sec. 1974) Any law enforcement official may act as an Issuing Municipal Officer and issue and pursue a municipal complaint for violation of this order.

Section VII - Fines for Ordinance Violation

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

First Offense -	\$ 50.00
Second Offense -	\$100.00
Third Offense -	\$200.00
Fourth Offense -	\$400.00
Fifth Offense -	\$500.00

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

Section VIII - 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 IX - Repeal of Prior Ordinances:

Any other ordinance or regulation heretofore adopted by the Village of Hyde Park for the control of firearm discharge is hereby repealed.

This Firearm Discharge Ordinance is hereby adopted by the Board of Trustees of the Incorporated Village of Hyde Park, County of Lamoille, State of Vermont this *13th* day of *August* 1998 at a regularly held and duly warned meeting of the Trustees, voted and recorded in the

minutes of said meeting. This ordinance shall be effective sixty (60) days from said date of adoption.

Village of Hyde Park Board of Trustees

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

Received and recorded this 15th day of August, 1998.

[Signature]
Crystal Currier, Village Clerk