

ORDINANCE REGULATING THE USE OF FIREARMS

The Selectboard of the Town of Shelburne hereby ordains:

The Shelburne Ordinance Regulating the Use of Firearms adopted October 6, 1970 and amended December 9, 1980 is hereby amended in its entirety to state as follows:

SECTION 1. The shooting or discharging of any revolver, pistol, rifle or shot-gun is prohibited in the Town of Shelburne, except as provided in Sections 2 and 3 of this Ordinance.

SECTION 2.

A. Subject to the limitations and exceptions set forth below, firearms may be discharged in the Town provided they are discharged from a location and in a direction such that the shooter can clearly observe the point of impact of the projectile in earth or other object that will not result in ricochet or the bullet penetrating and exiting the object.

B. Discharging of firearms is permitted from any point in Shelburne that is not:

- 1) closer than 500 feet to any building which is either occupied or unoccupied;
- 2) a public beach, public park or public gathering place;
- 3) a right of way dedicated to the public use

In no event shall any firearm be fired so that its projectile passes within 500 feet of any building which is either occupied or unoccupied, public beach, public park, public gathering place, or right of way dedicated to the public use.

C. Notwithstanding the preceding paragraph, the owner or occupant of a building may permit shooting within 500 feet of the building.

D. Except as authorized under Section 3 below, discharging of firearms is prohibited within that section of the Town of Shelburne bordered on the east by the LaPlatte River, and on the south by Bay Road and a line extending westerly from the intersection of Bay Road and Harbor Road to the peak of Lone Tree Hill, so-called, and then continuing due west to the shore of Lake Champlain, and on the west and north by Lake Champlain, and that section bordered on the north by Bay Road and on the west and South by Harbor Road and on the east by McCabe Brook and the

LaPlatte River.

E. The discharging of rifles is prohibited in that area of the Town that is bounded as follows: commencing at the South Burlington/Shelburne border and the intersection of the west side of Spear Street; thence south along the west side of Spear Street to Irish Hill Road; thence west along the northerly sideline of Irish Hill Road to the west bank of the LaPlatte River; thence south along the west bank of the LaPlatte River to a point approximately 3400 feet north of the Shelburne/Charlotte town line; thence in a westerly direction to a point in the easterly side of Mt. Philo Road that is 3400 feet north of the Shelburne/Charlotte town line; thence south along the easterly side of Mt. Philo Road to the Charlotte/Shelburne town line; thence west along the town line to the easterly side of Greenbush Road; thence generally north along the easterly line of Greenbush Road to the old intersection of Limerick Road; thence generally north along the westerly boundary of the old Limerick Road to Harbor Road; thence generally east along the northerly line of Harbor Road to the westerly bank of McCabe's Brook; thence generally north along the west bank of McCabe's Brook and then the west bank of the LaPlatte River to Lake Champlain; thence generally east and then northerly along the shore of Lake Champlain to the South Burlington/Shelburne town line; thence east along the town line to the west side line of Spear Street.

F. Shotguns utilizing other than a single projectile type ammunition may be fired over water from a duck blind or duck boat even though the point of firing is closer than 500 feet to an occupied or unoccupied building providing that the shot does not pass closer to the building than the distance from the building to the point of firing.

SECTION 3.

A. Police officers in the performance of a legal duty, firing ranges approved as to construction and supervision by the Chief of Police, and lawful activity pursuant to 10 V.S.A. Chapter 113, Subchapters 4 and 6 and regulations adopted pursuant thereto, are hereby excluded from the provisions of this ordinance.

B. The shooting of deer is excluded from the provisions of this Ordinance if the individual shooting such animals first obtains a permit from the Chief of Police. The issuance of a permit under this section shall be in the sole discretion of the chief, who may impose conditions and limitations on any permit, including without limitation, conditions on the duration of the permit, on

the number of deer to be shot and on the type of weapon to be used. The Chief may issue a permit only after consultation with the Town Manager and upon finding that:

(1) There is no significant risk of property damage or personal injury possibly resulting from the shooting; and

(2) The shooting of deer is authorized by the Vermont Department of Fish and Wildlife to control the number of deer in the Town; and

(3) The shooter has a valid hunting license, appropriate training and skill and adequate liability insurance to cover possible property damage and personal injury, taking into account the area where the shooting will occur.

SECTION 4. Any firearm or weapon shall not be used, carried or discharged in a careless or negligent manner, nor in a manner to endanger or jeopardize the safety, life or property of a person regardless of any other provision of this ordinance.

SECTION 5. Definitions:

A. "Firearm" means any weapon which will expel a projectile by the action of an explosive and includes any weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun.

B. "Rifle" means a weapon intended to be fired from the shoulder and designed and made to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

C. "Shotgun" means a weapon intended to be fired from the shoulder and designed and made to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

SECTION 6. Enforcement:

A. 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 a violation of this

ordinance.

B. Right to Civil Enforcement: 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 and other appropriate relief, or to pursue any other remedy authorized by law.

SECTION 7. Penalties

A. Waiver Fee For Municipal Complaint: An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of this ordinance:

First offense - \$50.00
Second offense - \$125.00
Third offense - \$200.00
Fourth offense - \$275.00
Fifth and subsequent offenses - \$350.00
Offenses shall be counted on a calendar year basis.

B. 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
Second offense - \$200
Third offense - \$300
Fourth offense - \$400
Fifth and subsequent offenses - \$500
Offenses shall be counted on a calendar year basis.

SECTION 8. 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.

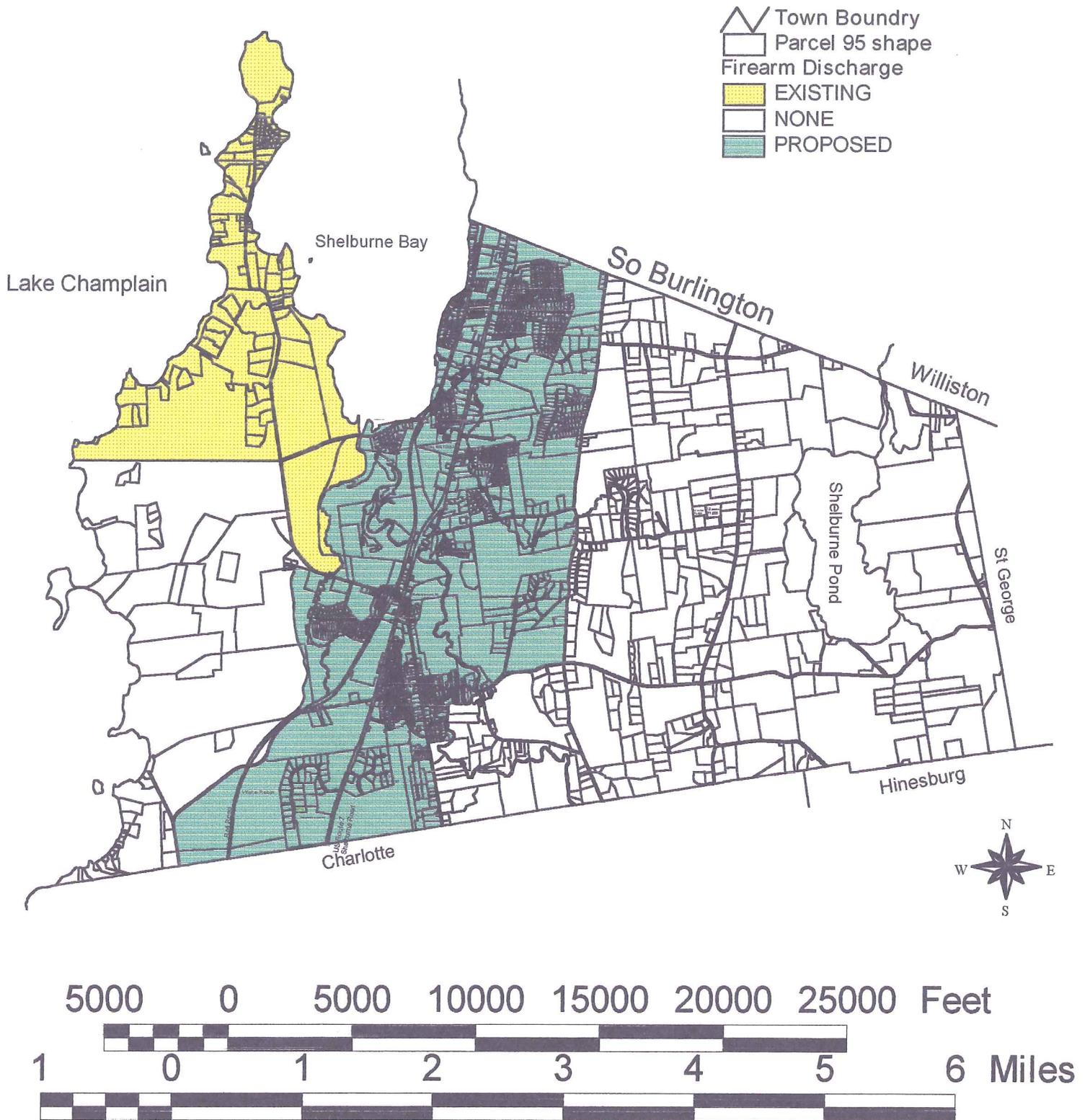
SECTION 9. This ordinance shall take effect upon passage.

Adopted this 23rd day of July, 1996.

David C. Lunn
Ann B. Quetta
Ken Albert
Barbara Wynn
Tran Coff

SHE507-2.ORD
#96-3865

Shelburne Firearm Discharge Map



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