

Town of Hardwick
Ordinance
Restricting the Discharge of Firearms

Section I. Purpose. The Selectmen of the Town of Hardwick, pursuant to the authority of 24VSA2291(8) and Section 103(B) of the Hardwick Town Charter, hereby enact the following ordinance regulating the discharge of firearms for the protection of the health, safety, and welfare of the inhabitants of the Town of Hardwick.

Section II. Definitions.

A) Firearm: Shall be considered a rifle, shotgun, revolver or pistol that discharges a propellant through an explosive charge.

Section III. Restrictions. A person shall not use or discharge a firearm within the following areas or under the following conditions:

- A) Within the urban compact of the Town of Hardwick as depicted on the Vermont General Highway Map of the Town of Hardwick (formally known as the Village of Hardwick).
- B) Within the urban compact of East Hardwick as depicted on the Vermont General Highway map of the Town of Hardwick.
- C) Within any municipal recreation area. The Hardwick Village Municipal Forest and East Hardwick Water District Reservoir, as depicted on the Vermont General Highway Map of the Town of Hardwick, shall be exempt from this subsection.

Section IV. Exceptions. The following exceptions shall be made to this ordinance.

- A) Any law enforcement officer, agent, or employee of the State or a municipality using or discharging a firearm within the course of their employment and acting within the scope of their authority.
- B) Nothing contained herein shall be construed to limit the rights or immunities given under Vermont Statutes Annotated Title 13, Section 2305 or any statute similarly constructed which allows the use of deadly force for the protection of life, or the suppression of a person or persons attempting to commit murder, sexual assault, aggravated sexual assault, burglary or robbery with force or violence. Any person found blameless by competent proper legal authority under the provisions of such statute also shall be equally immune from prosecution under this ordinance.

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- C) Nothing contained herein shall be construed to limit the rights or immunities given under Vermont Statutes Annotated Title 10, Section 4826, 4827 & 4828 or any statute similarly constructed which allows the use of deadly force for the protection of property.
- D) Nothing contained herein shall be construed to limit the rights or immunities given under Vermont Statutes Annotated Title 20, Section 3545 or any other statute similarly constructed which allows the use of deadly force to kill dogs in order to discontinue an attack upon a person or to prevent injury to another animal or fowl.
- E) Commercial firing ranges that are approved by the Zoning Board of Adjustment.
- F) Licensed trappers shall be permitted to use a .22 caliber rim fire pistol or rifle to kill animals trapped.
- G) Nothing contained herein shall be construed to limit the possession of firearms.

Section V. Enforcement. Violations of this ordinance shall be enforced and maintained as provided in 24V.S.A.1974a, as may be amended from time to time. For the purpose of enforcing this ordinance, the issuing municipal officials shall be members of the Hardwick Police Department.

Section VI. Penalties. A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. 1974a and 1977 et seq. A civil penalty of \$100 shall be imposed for a violation of this civil ordinance, and the waiver fee shall be set at \$25.00 for the first offense, \$50.00 for the second offense within a six month period, and \$75.00 for all subsequent offenses within a six month period. Each week that the violation continues will constitute a separate violation of this ordinance.

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Section VII. Separability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or held unconstitutional by any court or competent jurisdiction such portion shall be deemed a separate and distinct provision and such will not affect the validity of the remaining portions hereof.

Section VIII. Effective Date. This ordinance shall be effective as of midnight October 2, 1995.

Dated this _____ day of _____ 19 .

Hardwick Select Board

Attest _____
Town Clerk