



**Town of Proctor**

**Firearm Discharge Ordinance**

**Adopted: August 10, 2015**  
**Effective: October 10, 2015**  
**Amended: August 28, 2017**  
**Effective: October 28, 2017**

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## **Article I - Authority and Purpose**

Pursuant to the provisions of Title 24 VSA Sections 2291 (8) and Title 24 VSA Chapter 59 and such other general enactments as may be material hereto, it is hereby ordained by the Selectboard of the Town of Proctor that the following Firearm Discharge Ordinance is adopted for the Town of Proctor, Vermont.

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

## **Article II – Definitions**

Unless the content 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 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 the 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.

## **Article III - Scope**

Sec. 1 This ordinance establishes special limitations regarding the discharge of firearms within the Town of Proctor, Vermont.

## **Article IV – Discharge Limitations**

Sec. 1 It shall be unlawful for any person to discharge a firearm within the boundary of the area as defined in this Article.

Sec. 2. The provisions of this Ordinance shall pertain to the geographical area as shown on the attached map and generally described as follows: beginning at the southeast corner of 137 South Street, thence proceeding easterly across South Street and along the southerly and easterly property lines of lots fronting on the south and east side of Park Street; thence proceeding along the easterly property lines of lots fronting on the east side of Chatterton Park Extension; thence proceeding northerly along the easterly property line of the Town of Proctor Recreation Land to Olympus Road; thence along the southerly R/W of Olympus Road to 26 Tower Road; thence easterly along the southerly property line of 26 Tower Road and northerly along the easterly property lines of lots fronting on the easterly side of Tower Road and Olympus Road; thence northerly along the easterly property line of the Town of Proctor Williams Street property to the Proctor-Pittsford town line; thence westerly along the Proctor-Pittsford town line to Otter Creek; thence northerly along the westerly bank of Otter Creek to an extension of Willow Street; thence northerly along the easterly and northerly property lines of lots fronting on the easterly side of Willow Street and Elm Street and northerly along the easterly property lines of lots fronting on the east side of Gorham Bridge Road to 86 Gorham Bridge Road; thence northerly along the easterly R/W of Gorham Bridge Road to Gorham Bridge; thence southerly along westerly R/W of the State of Vermont Rutland Railroad; thence along the westerly property lines of lots fronting on the west side of Pleasant Street, Charles Street, Eden Avenue and Florence Road to 51 Florence Road; thence westerly along the northerly R/W line of Florence Road to a point 300 feet easterly of the Florence Road/Beaver Pond Road Intersection; thence northly along a line 300 feet easterly of the centerline of Florence Road, through lands now or formally owned by Omya, Inc., 60 Florence Road, to a point on the northerly property line of lands now or formerly owned by Omya, Inc. 300 feet southeasterly of the centerline of Florence Road; thence northwesterly 283.5 feet along the northerly property line of lands now or formerly owned by Omya, Inc. to the easterly R/W of Florence Road; thence northwesterly 49.5 feet across Florence Road to a point on the westerly R/W of Florence Road; thence southwestly along the westerly R/W of Florence Road to the southerly property line of 1349 Florence Road; thence northwesterly along the southerly property line of 1349 Florence Road and an extension of the southerly property line of 1349 Florence Road across the former Clarendon & Pittsford Railroad R/W and lands now or formerly owned by the Town of Proctor to a point 300 feet northwesterly of the center line of Florence Road; thence southerly along a line 300 feet westerly of the centerline of Florence Road through lands now or formerly owned by Town of Proctor, 1251 Florence Road, and lands now or formally owned by Omya, Inc., 60 Florence Road, to a point 300 feet westerly of the intersection of Florence Road and Beaver Pond Road, thence easterly to a point on the westerly R/W of Beaver Pond Road; thence southerly along the westerly R/W of Beaver Pond Road to the the former Clarendon & Pittsford Railroad; thence along the westerly R/W of the former Clarendon & Pittsford Railroad and the westerly property lines of lots fronting on Beaver Pond Road, Pondview Road, Center Street, Cain Street, McGarry Street and Curry Street to and along the westerly R/W line of the former Clarendon & Pittsford Railroad to 135 West Street; thence easterly along the southerly property line of to 135 West Street across West Street and along the southerly and easterly property lines of 134 West Street and easterly along the southerly property line of 8 Columbian Avenue across Otter Creek and along the southerly property line of 131 South Street, the westerly property line of 133 South Street and the westerly and southerly property lines of 137 South Street to the point of beginning.

## **Article V – Acts Authorized by Statute**

- Sec. 1 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.
- Sec. 2 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 Statute. 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.

## **Article VI – Enforcement before the Traffic and Municipal Ordinance Bureau**

- Sec. 1 Any person who discharges a firearm in violation of this ordinance shall be subject to a civil penalty of up to \$500 for each discharge.
- Sec. 2 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.

## **Article VII – Waiver Fee for Municipal Complaint**

- Sec. 1 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 |

## **Article VIII – Civil Penalty for Ordinance Violation**

- Sec. 1 An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation of the ordinance.
- |                               |          |
|-------------------------------|----------|
| First offense                 | \$100.00 |
| Second offense                | \$200.00 |
| Third offense                 | \$350.00 |
| Fourth and subsequent offense | \$500.00 |

## **Article IX – Additionnel Enforcement Rights**

- Sec. 1 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.

## **Article X – Severability**

- Sec. 1 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
- Sec. 2 If any statute referred to in this ordinance shall be amended; this ordinance shall be deemed to refer to such amended statute.

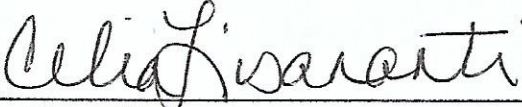
## **Article XI – Repeal of Prior Ordinances**

- Sec. 1 Any other ordinance or regulation heretofore adopted by the Town of Proctor for the control of firearms discharge is hereby repealed.

## **Article XII – Effective Date**

- Sec. 1 This ordinance shall become effective 60 days after its adoption by the Proctor Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date.

Duly enacted and ordained this 28th day of August, 2017 by the Selectboard of the Town of Proctor, County of Rutland, State of Vermont, at a duly called and duly held meeting of said Selectboard.

ATTESTED BY:   
Town Clerk

ADOPTION HISTORY:

1. Agenda item at regular Selectboard meeting held on August 28, 2017.
2. Read and approved at regular Selectboard meeting on August 28, 2017 and entered in the minutes of that meeting which were approved on September 11, 2017.
3. Posted in public places on September 6, 2017.
4. Notice of adoption published in the Rutland Herald newspaper on September 6, 2017 with a notice of the right to petition.

This ordinance is available for review at the Town Clerk's Office at 45 Main Street, Proctor, VT 05765. Questions concerning this ordinance may be directed to the Town Manager, 45 Main Street, Proctor VT 05765.