

TOWN OF WILLISTON
Firearm Discharge Ordinance

The Selectboard of the Town of Williston hereby ordains:

SECTION I - AUTHORITY

This ordinance is enacted pursuant to 24 V.S.A., section 2291 (8). It shall constitute a civil ordinance within the meaning of 24 V.S.A. 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 Williston.

SECTION III - DEFINITIONS

Unless the context indicates, as used in the ordinance:

- A. "Discharge" shall mean to shoot or fire a firearm.
- B. "Firearm" shall mean 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, muzzle loader, or shotgun.
- C. "Loose Shot" shall mean multiple spherical type projectiles to be discharged from a Shotgun, such as buck shot and bird shot.
- D. "Muzzle Loader" shall mean a firearm designed to be loaded from the muzzle with powder and projectile and primed at the breech with either powder or a cap and can only shoot a single round without reloading.
- E. "Pistol" shall mean a small firearm having a stock to fit the hand, and a short barrel, and fired from one hand.
- F. "Projectile" shall mean a bullet, slug, round ball, or pellets projected or thrown by force from a firearm.
- G. "Restricted Firearms Discharge Area (RFDA)" is the restricted area of discharge as depicted on the map attached hereto as "Attachment A - Town of Williston Discharge Map - Restricted Firearms Discharge Area."
- H. "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.

I. "Rifle" shall mean a firearm having a rifled or grooved bore, usually fired from the shoulder and loaded from the breach.

J. "Shoot" shall mean to discharge a projectile from a firearm.

K. "Shotgun" shall mean a smooth or rifled bore gun, designed to shoot a shell containing either single or multiple projectiles such as pellets or slugs.

SECTION IV – RFDA DISCHARGE LIMITATIONS

What is not allowed in the RFDA: No person shall discharge a rifle, pistol, revolver, or single projectile from a shotgun or muzzle loader within that area of the Town of Williston, which is in the Restricted Firearms Discharge Area (RFDA) as described herein. The discharge of other types of firearms in the RFDA is permitted in accordance with the laws of the State of Vermont.

What is allowed in the RFDA: Any non-firearm (bow and arrow) and any firearm projecting or throwing more than one projectile in a single discharge.

A. The restricted area of discharge is depicted on the map attached hereto as "Attachment A - Town of Williston Discharge Map - Restricted Firearms Discharge Area," and is more particularly described as follows:

1) RFDA Designation North of Interstate 89. All of that portion of the Town of Williston situated north of Interstate 89 except the following area:

An area bounded by a line described as follows: beginning at the intersection of the Essex town line and the center line of North Williston Road and running easterly along the center line of the Winooski River; thence continuing generally southerly along the center line of the Winooski to a point easterly of the point at which a brook or stream which crossed Governor Chittenden Road to the West enters the westerly side of the Winooski River; thence turning to the right and proceeding westerly to said point of entry of the brook or stream; thence continuing southwesterly in and along the centerline of said brook or stream to the center line of Governor Chittenden Road; thence turning to the left and proceeding southerly in and along the center line of Governor Chittenden Road to the point at which the southerly line of property presently of Riverhill Farms, Inc intersects with Governor Chittenden Road; thence turning to the right and proceeding westerly along the southerly line of said Riverhill Farms, Inc. property and following the perimeter of said property southerly, then westerly, then northerly then easterly (along the southerly line of properties now or formerly of Merrill and Leo) then northerly (along the easterly line of property now or formerly of Leo) to the center line of centerline of Governor Chittenden Road to the centerline of North Williston Road; thence turning to the right and proceeding in a generally northerly direction in and along the centerline of North Williston Road to the point or place of beginning.

2) RFDA Designation South of Interstate 89. A certain piece of land, known as Brownell Mountain, and described as follows:

A parcel of land containing 106.697 acres, more or less, situated on the easterly side of Town Highway No. 3 (South Brownell Road, so-called). Said parcel of land is bounded southerly by land now or formerly owned by Richard A. and Susan G. Brownell, westerly said by highway, northerly by northerly sideline of a 150 foot wide utility easement granted to Vermont Electric Power Co., Inc., by deed recorded in Volume 56 at Pages 231-237 of the Town of Williston Land Records, and easterly by land now or formerly owned by Vermont Electric Power Co., Inc., Kermit E. and Diane D. Laclair, Julie Bonanno, John T. and Laural B. Clark, Jeffery J. and Deborah J. Brassord, and Message Center, Inc. said land is subject to the aforementioned easement of Vermont Electric Power Co., Inc., a 140 foot wide easement granted to Green Mountain Television Corp. by deed recorded in Volume 25 at Pages 42-43 of said Land Records, and ten foot wide right of way and lease granted to New England Telephone and Telegraph Co. by deed recorded in Volume 17 at Page 449 and Volume 26 at page 199 of said Land Records. Being Lot 25 as shown on a plan entitled "A Subdivision Plan for John C. Heins in the Town of Williston, Vermont", by Property Design – Montpelier, Vermont, dated December, 1995, and recorded as Map Slide 466A of the Town of Williston Land Records.

B. The discharge of any type of firearm outside of the restricted firearms discharge area is permitted in accordance with the laws of the State of Vermont. The Selectboard reserves the right to post any parcel of municipal land against hunting, shooting, and trapping in accordance with 10 V.S.A. Section 5201. The areas currently posted against hunting, shooting, and trapping are the Five Tree Hill Country Park, Mud Pond Conservation Area, Mud Pond Country Park, the town-owned parcel located a 5035 St. George Road (also known as the former Hill property), and other properties as may be designated by the town.

C. Notwithstanding any other provision of this ordinance, no firearm shall be discharged in violation of the laws of the State of Vermont and/or the United States of America.

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 or protection of person or property provided by Vermont Statutes. Nor shall this ordinance apply to the discharge of firearms on any existing sport shooting range, as defined in 10 V.S.A., section 5227.

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 \$400 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 \$ 50.00
- Second Offense \$ 75.00
- Third Offense \$100.00
- Fourth and subsequent offense \$200.00

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 \$ 75.00
- Second Offense \$ 100.00
- Third Offense \$ 200.00
- Fourth and subsequent Offense \$ 400.00

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 of 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 Williston for the control of firearm discharge is hereby repealed.

Williston Selectboard

Terry Macaig

Jeff Fehrs

Chris Roy

Debbie Ingram

Jay Michaud

Received and Recorded this _____ day of _____, 2011.

Kathy Boyden, Assistant Town Clerk

Sewer Allocation Ordinance

Adopted: September 10, 1997
Amended: August 18, 2008
Amended August 15, 2011