

1 Chapter 6.08

2 FIREARMS*

3 Sections:

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12 *Prior ordinance history: Ordinances passed 2/6/84, 1/8/90, ~~and~~ 5/15/95, and 6/3/96.

13 **6.08.000 Definition of firearm**

14 Firearm shall mean any weapon from which a projectile(s), such as a single slug, bullet,
15 or loose shot, is discharged by an explosion. The term “Firearm” includes but is not limited to
16 muzzle loading weapons, but does not include things like BB guns, pellet guns, air-soft guns, and
17 bow and arrow. (Ord. passed 10/7/19)

19 **6.08.010 Discharging firearms— Prohibited area designated.**

20 A. It is ordained by the Selectboard of the town of Essex that within the area of
21 prohibition described herein, no person shall, for any reason except as provided herein, discharge
22 a firearm.

23 B. The area of prohibition is bounded and described as follows: An area bounded by a
24 line described as beginning at the intersection of the Colchester town line and the center line of
25 Gentes Road and running southerly in said road to its intersection with the Central Vermont
26 Railway tracks; thence continuing generally southerly in and along the center line of the railroad
27 tracks to the intersection of Old Colchester Road; thence continuing in the center line of Old
28 Colchester Road to the Village of Essex Junction; thence proceeding easterly and then southerly
29 along the town/village boundary line to a point 250 feet westerly of the center line of Vermont
30 Route 15 (at a point northerly of Athens Drive); thence proceeding in a generally northerly
31 direction parallel to and 250 feet westerly of Vermont Route 15 to Butler’s Corners, so-called,
32 and thence 250 feet westerly of Old Stage Road from Butler’s Corners to the center line of
33 Brigham Hill Road; thence proceeding easterly across Old Stage Road and following Colonel
34 Page Road along its center line to its intersection with the center line of Chapin Road; thence
35 proceeding in a straight line to its intersection with the thread of Browns River with the center

36 line of Browns River Road as measured in a straight line; thence proceeding generally
37 southeasterly in the thread of Browns River Road; thence turning generally easterly and
38 following the center line of Browns River Road to the intersection of Weed Road; thence mining
39 southeasterly and following the center line of Weed Road for 1,700 feet, more or less, thence
40 proceeding northeasterly for 2,000 feet, more or less; thence turning and proceeding
41 southeasterly for 800 feet, more or less; thence turning and proceeding southwesterly to the
42 center line of Weed Road (the last three courses encompassing the residential parcels along
43 Essex Highlands); thence turning easterly and following the center line of Weed Road to its
44 intersection with Naylor Road; thence mining south and following the center line of Naylor
45 Road; thence turning west, following the center line of Route 15 until it intersects with Browns
46 River; thence following Browns River easterly until it intersects with the Jericho border; thence
47 turning southerly along 27 the town border for 1,900 feet, more or less; thence turning and
48 proceeding northwesterly along the division line between lands of the Deer Crossing
49 Development and Whitcomb to the center line of Saxon Hill Road; thence proceeding in a
50 generally southerly direction in the center line of Saxon Hill Road and the old roadbed which
51 runs from the terminus of Saxon Hill Road to Vermont Route 117; thence proceeding easterly
52 along Vermont Route 117 to North Williston Road; thence proceeding southerly along said
53 North Williston Road to the Winooski River; thence proceeding generally westerly along the
54 center line of the Winooski River to the Colchester town line; thence proceeding generally
55 northerly in and along the Colchester/Essex town line to the point or place of beginning.

56 In addition to the foregoing, the area of prohibition also shall include the entirety of the
57 Tree Farm Recreational Facility (Tax Map 6, Parcel 2; 81 Old Colchester Road).

58 In addition to the foregoing, the area of prohibition also shall include the entirety of both
59 Indian Brook Park (Tax Map 10, Parcel 22; 150 Indian Brook Road) and the 90-acre Saxon Hill
60 school parcel (Tax Map 8, Parcel 1; 95 Saxon Hill Road) for the entirety of the year, except that
61 hunting with firearms shall be permitted by licensed hunters from October 15 to December 15 in
62 accordance with valid hunting seasons established by the State of Vermont. The dates during
63 which discharge of firearms is permitted at Indian Brook Park shall not apply to the hunting
64 safety zone described in Section 9.08.080 B.

65 C. The above-described area is designated on a plan made a part of this section and filed
66 with the Essex town clerk. (Ord. passed ~~6/3/96~~10/7/19 (part))

67 **6.08.020 Exemptions—Acts Authorized by statute.**

68 Nothing contained herein shall be construed to limit the rights or immunities given under
69 V.S.A., Title 13, Section 2305, or any statute similarly constructed which allows the use of
70 deadly force for the protection of life, or the suppression of a person or persons attempting to
71 commit murder, sexual assault, aggravated sexual assault, burglary or robbery with force or
72 violence. Any person found blameless by competent proper legal authority under the provisions
73 of such statute also shall be equally immune from prosecution under this chapter. (Ord. passed
74 6/3/96 (part))

75 **6.08.030 Exemptions—Possession of Firearms.**

76 Nothing contained herein shall be construed to limit the mere possession of firearms.
77 (Ord. passed 6/3/96 (part))

78 **6.08.040 Indoor shooting range Conditions.**

79 Indoor shooting ranges may be allowed in the area of prohibition subject to approval of
80 the Selectboard. This requirement of approval by the Selectboard should be construed to be in
81 addition to the provisions of other ordinance of law. (Ord. passed 6/3/96 (part))

82 **6.08.050 Discharging firearms—hours Prohibited—exemptions.**

83 No person shall discharge a firearm within the town of Essex between the hours of sunset
84 and sunrise except when such hours are prescribed for hunting of game birds or animals, and
85 then such privilege shall extend only to licensed hunters for the sole purposes of taking game.
86 (Ord. passed 6/3/96 (part))

87 **6.08.060 Licensed trapper exemptions.**

88 Licensed trappers shall be permitted the use of pistols of not greater than .22 caliber,
89 using rim fire ammunition, to kill animals trapped. (Ord. passed 6/3/96 (part))

90 **6.08.070 Violation—Penalty.**

91 A. Any person who violates a provision of this chapter shall be subject to a civil penalty
92 of up to five hundred dollars (\$500) per day for each day that such violation continues, with a
93 mandatory minimum civil penalty that shall not be less than the civil penalty set for that offense
94 unless the person does not contest the municipal complaint and pays the waiver fee. Police
95 officers of the town of Essex shall be authorized to act as issuing municipal officials to issue and
96 pursue before the traffic and municipal ordinance bureau a municipal complaint.

97 B. An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil
98 penalty, for any person who declines to contest a municipal complaint and pays the following
99 waiver amount for each violation:

First offense	\$25.00 <u>50.00</u>
Second offense	\$50.00 <u>100.00</u>
Third offense	\$100.00 <u>200.00</u>
Fourth and subsequent offenses	\$200.00 <u>400.00</u>

100 ~~Offenses shall be counted on a calendar year basis.~~

101 C. An issuing municipal official is authorized to recover civil penalties in the following
102 amounts for each violation:

First offense	\$50.00 <u>100.00</u>
Second offense	\$100.00 <u>200.00</u>
Third offense	\$200.00 <u>400.00</u>
Fourth and subsequent offenses	\$400.00 <u>500.00</u>

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~~Offenses shall be counted on a calendar year basis.~~

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D. In addition to the enforcement procedures available before the traffic and municipal ordinance bureau, the town manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law. (Ord. passed ~~6/3/96~~ 10/7/19 (part))