

TOWN OF THURMONT, MARYLAND

ORDINANCE NO. 2016- 04

**AN EMERGENCY ORDINANCE TO AMEND CHAPTER 72
OF THE CODE OF THE TOWN**

WHEREAS, the Board of Commissioners has determined that the addition of the provisions herein provided would benefit the Town; and

WHEREAS, the Town of Thurmont has encountered problems with the discharge of weapons, other than firearms, inside the Town limits; and

WHEREAS, the Town of Thurmont has encountered dangerous circumstances surrounding the hunting of game and fowl inside the Town limits; and

WHEREAS, the Town of Thurmont has the authority to regulate and prevent the use of firearms and other similar things which may endanger persons or property; and

WHEREAS, the Town of Thurmont finds that crossbows, bows and arrows, and bows are things which may endanger persons and property within the Town; and

WHEREAS, the Town of Thurmont finds that it is in the best interest of the public health, safety, tranquility and welfare of the Town and its citizens to prohibit the discharge of crossbows, bows and arrows, and bows, in addition to the firearms and weapons already prohibited, and to prohibit the hunting of game and fowl within the Town of Thurmont; and

WHEREAS, the Town of Thurmont finds that it is necessary to enact this Ordinance on an emergency basis because the continued discharge of weapons and the continued hunting of game and fowl within the Town limits constitutes an imminent risk of injury and imminent threat to the public peace, health, safety, and welfare of the Town and its citizens, and therefore the passage of this Ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare of the Town; and

WHEREAS, this Ordinance is introduced for passage at the same meeting pursuant to the authority granted in Town of Thurmont Charter § 412(g); it is

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF THE TOWN OF THURMONT:**

Chapter 72

Firearms, Weapons and Hunting

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**Article I
Definitions**

§ 72-10. Definitions

As used in this Chapter, the following terms shall have the meaning indicated.

1. **FIREARM** –

- a. **Class ‘A’ Firearm** is a weapon that expels, is designed to expel, or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of such a weapon.
- b. **Class ‘B’ Firearm** shall include, but is not limited to, air rifle, air gun, slingshot, pistol, BB gun, spring gun, gas-operated gun, pellet gun or rifle, paint gun or rifle, BOW, BOW AND ARROW. CROSS BOW.

2. **TOWN** – Town of Thurmont

**Article II
Discharge of Firearm, Hunting Prohibited**

§ 72-20. Discharge of Firearm within the Town Limits

- 1. No person shall discharge a Class ‘A’ Firearm within the corporate limits of the Town. A person convicted of discharging a Class ‘A’ Firearm shall be guilty of a misdemeanor and is subject to imprisonment not to exceed six months, or a fine not to exceed \$1,000.00, or both.
- 2. It shall be unlawful for any parent, guardian, custodian, or care giver to knowingly permit a minor to violate § 72-20.1 and shall, upon conviction, be guilty of a misdemeanor, and be subject to imprisonment not exceeding six months, or a fine not exceeding \$1,000.00, or both.

3. No person shall discharge a Class 'B' Firearm within the corporate limits of the Town. A violation of this section is declared to be a municipal infraction. The penalty for violation shall be a sum of fifty (\$50.00) dollars.
4. It shall be unlawful for any parent, guardian, custodian, or care giver to knowingly permit a minor to violate § 72-20.3 and will be subject to a penalty if he knew or should have known that the minor would violate that section or give a minor the firearm with which to do so. A violation of this section is declared to be a municipal infraction. The penalty for violation shall be a sum of fifty (\$50.00) dollars.

§ 72-21. Hunting within Town Limits Prohibited

1. No person shall hunt wild game or fowl within the corporate limits of the Town at any time. A violation of this section is declared to be a municipal infraction. The penalty for violation shall be a sum of Fifty (\$50.00) dollars
2. It shall be unlawful for any parent, guardian, custodian, or care giver to knowingly permit a minor to violate §72-21.1 and will be subject to a penalty if he knew or should have known that the minor would violate the section. The penalty for violation shall be a sum of fifty (\$50.00) dollars.

§ 72-22. Exceptions

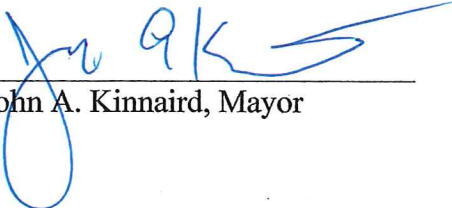
1. The above section does not apply to:
 - a. The discharge of a firearm by any duly authorized law enforcement official acting in proper performance of their official duty.
 - b. In the lawful defense of person or property.
 - c. To destroy a dangerous animal or to relieve an injured animal from suffering.
 - d. During theatrical performances or sporting events with prior written notification to and approval by the Chief of Police.
 - e. Firing during ceremonial salutes or events with prior written notification to and approval by the Chief of Police.
 - f. Discharge of a Class 'A' Firearm at a duly organized rifle, gun or pistol club while such member is engaged in practice or competition on an established range approved by the Chief of Police or officer in charge of the Police Department.
 - g. The discharge of noise making devices for the purpose of disbursing nesting or roosting wild birds. This shall only be conducted by an employee of the Town of Thurmont with the written permission by the Board of Commissioners, and with prior notification to the Chief of Police.

PASSED AND APPROVED by the Board of Commissioners of the Town of Thurmont this 18th day of OCTOBER, 2016.


THIS ACT SHALL TAKE EFFECT ON ITS DATE OF PASSAGE.

TOWN OF THURMONT

[SEAL]

By: 
John A. Kinnaird, Mayor

Attest:


James Humerick, Chief Administrative Officer