



**Mayor and Council of the Town of Leonardtown
Ordinance No. 186
Subject: Chapter 72 – Firearms and Fireworks
of the Code of the Town of Leonardtown**

**Date Introduced on First Reading: March 12, 2018
Date Passed on Second Reading: April 11, 2018
Date Effective: May 2, 2018**

AN ORDINANCE concerning

**CHAPTER 72 – FIREARMS AND FIREWORKS OF THE CODE OF THE TOWN
OF LEONARDTOWN**

FOR the purpose of amending Chapter 72 – Firearms and Fireworks of the Code of the Town of Leonardtown for consistency with the Public Safety Article and the Criminal Law Article of the Maryland Annotated Code by prohibiting the discharge of fireworks within the corporate limits of the Town of Leonardtown except as authorized by the State Fire Marshal in accordance with Title 10 of the Public Safety Article of the Maryland Annotated Code; prohibiting the discharge of any handgun, rifle, shotgun or other firearm within the corporate limits of the Town of Leonardtown except at shooting galleries or ranges established and licensed under State law *and except for the discharge of firearms on private property for hunting purposes, provided that such activity otherwise complies with applicable State law and regulations, or in self-defense, to the extent permitted under State law*; and establishing penalties for violations of the foregoing; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to firearms and fireworks in the Town of Leonardtown.

RECITALS

WHEREAS, on February 1, 1939, the Mayor and Council of the Town of Leonardtown (the “Mayor and Council”), then known as the “Commissioners of Leonardtown,” passed Ordinance No. 13, which regulates fireworks in the Town of Leonardtown (the “Town”) and which is currently codified as Chapter 72, Article I of the Code of the Town of Leonardtown (the “Town Code”); and

WHEREAS, on June 3, 1962, the Commissioners of Leonardtown passed Ordinance No. 26A, which regulates firearms in the Town and which is currently codified as Chapter 72, Article II of the Town Code; and

WHEREAS, pursuant to Md. Code Ann., Criminal Law § 4-209, the State of Maryland has preempted the right of the Mayor and Council, on behalf of the Town, to regulate the purchase, sale, taxation, transfer, manufacture, repair, ownership, possession, and transportation of a handgun, rifle, or shotgun and ammunition therefor and components thereof within the corporate limits of the Town, subject to limited exceptions; however, the Mayor and Council, on behalf of the Town, may regulate the discharge of handguns, rifles, and shotguns within the corporate limits of the Town except at established ranges; and

WHEREAS, pursuant to Md. Code Ann., Public Safety §§ 5-104 and 5-134, the State of Maryland has preempted the right of the Mayor and Council, on behalf of the Town, to regulate the sale and transfer of a regulated firearm, respectively, within the corporate limits of the Town; and

WHEREAS, pursuant to Md. Code Ann., Public Safety § 10-103, the Mayor and Council are authorized and empowered to regulate the discharge of fireworks within the corporate limits of the Town; and Title 4, Subtitle 2 of the Criminal Law Article of the Maryland Annotated Code (the “Criminal Law Article”) further regulates firearms within the State of Maryland; and

WHEREAS, pursuant to § 501(1) of the Charter of the Town of Leonardtown (the “Charter”), the Mayor and Council are authorized and empowered to pass ordinances as they may deem necessary for good government of the Town; for the protection and preservation of the Town's property, rights, and privileges; for the preservation of peace and good order; for securing persons and property from violence, danger, or destruction; and for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors to the Town; and

WHEREAS, pursuant to § 501(22) of the Charter, the Mayor and Council are authorized and empowered to regulate or prevent the use of firearms and fireworks within the corporate limits of the Town; and

WHEREAS, the Mayor and Council are desirous of amending Chapter 72 – Firearms and Fireworks of the Town Code for consistency with the foregoing State law; and

WHEREAS, the Mayor and Council, for the good and welfare of the community, deem it necessary and appropriate to amend Chapter 72 – Firearms and Fireworks of the Code of the Town of Leonardtown for consistency with the Public Safety Article and the Criminal Law Article of the Maryland Annotated Code by prohibiting the discharge of fireworks within the corporate limits of the Town of Leonardtown except as authorized by the State Fire Marshal in accordance with Title 10 of the Public Safety Article of the Maryland Annotated Code; prohibiting the discharge of any handgun, rifle, shotgun or other firearm within the corporate limits of the Town of Leonardtown except at shooting

galleries or ranges established and licensed under State law *and except for the discharge of firearms on private property for hunting purposes, provided that such activity otherwise complies with applicable State law and regulations, or in self-defense, to the extent permitted under State law*; and establishing penalties for violations of the foregoing.

SECTION I. BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 72 – Firearms and Fireworks of the Code of the Town of Leonardtown be and it is hereby amended as follows:

ARTICLE I: Fireworks

§ 72-1. Permission required.

~~[No pyrotechnic displays shall be held nor any]~~ **It shall be unlawful to discharge** fireworks ~~[be shot or exploded nor shall any firearms be shot unnecessarily or unreasonably]~~ within the corporate limits of Leonardtown, except ~~[with the permission of the Commissioners of Leonardtown]~~ **as authorized by the State Fire Marshal in accordance with Title 10 of the Public Safety Article of the Maryland Annotated Code, as amended from time to time.**

§ 72-2. Violations and penalties.

Any person~~[, firm or corporation]~~ violating the provisions of this article shall~~[, upon conviction,]~~ be subject to ~~[a fine of not less than \$1 and costs nor more than \$10 and costs, and, in default of fine, the party convicted shall be committed to the St. Mary's County jail for a period not exceeding 10 days or until discharged in due course of law]~~ **the penalties set forth in Md. Code Ann., Public Safety § 10-111, as amended from time to time.**

ARTICLE II: Firearms

§ 72-3. Restrictions; exception[s].

A. ~~[No person shall have in his possession, except within his own domicile, or carry or use within the corporate limits of Leonardtown a revolver or pistol of any description, shotgun or rifle which may be used for the explosion of cartridges or any air gun, B-B gun, gas operated or spring gun or any instrument, toy or weapon commonly known as a "peashooter," "slingshot" or "beany" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name]~~ **It shall be unlawful to discharge any handgun, rifle, shotgun or other firearm within the corporate limits of Leonardtown.**

B. This prohibition shall not *apply to*:

- (1) ~~[Apply to licensed]~~ shooting galleries or **ranges established and licensed under State law** ~~[on private grounds or premises under circumstances when such~~

~~instrument can be fired, discharged or operated in such a manner as not to endanger persons or property and also in such manner as to prevent the projectiles from traversing any grounds or space outside the limits of such gallery, grounds or residence; and provided, further, that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever when unloaded and properly eased to or from any range or gallery or to or from an area where hunting is allowed by law.];~~

(2) ~~[Forbid United States Marshals, sheriffs, constables and their deputies and any regular, special or ex officio police officer or any other law enforcement officer from carrying or wearing, while on duty, such weapons as shall be necessary in the proper discharge of their duties]~~ *the discharge of firearms on private property for hunting purposes, provided that such activity otherwise complies with applicable State law and regulations; or*

(3) *the discharge of a firearm in self-defense, to the extent permitted under State law.*

§ 72-4. Violations and penalties.

~~[Every person convicted of a violation of this article shall forfeit to the Commissioners of Leonardtown such dangerous or deadly weapon so found in his possession and, upon conviction, shall be subject to a fine of not less than \$5 and costs nor more than \$100 and costs and, in default of such fine, shall be committed to the St. Mary's County jail for a period not exceeding 30 days or until discharged in due course of law.]~~ **A violation of this article shall be punishable as a misdemeanor and, upon conviction, subject to a fine of not more than \$1,000 and/or imprisonment for not more than six months, in addition to any penalties set forth under State law for such offense.**

~~[§ 72-5. Disposition of confiscated weapons:~~

~~Every police officer, upon making any arrest and taking a weapon used or possessed in violation of this article, shall deliver the same to the Trial Magistrate for St. Mary's County, Maryland, to be held by him until final determination of the prosecution for said offense; and upon a finding of guilt, it shall be the duty of said Trial Magistrate to deliver said weapon forthwith to the Commissioners of Leonardtown who shall make disposition of the weapon.]~~

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Language added after the date of introduction is in boldface, italicized type, and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Mayor and Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.


SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto by the Mayor.

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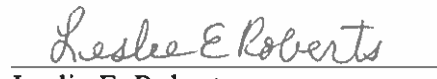
Attest:



Laschelle E. McKay
Town Administrator

Seal:

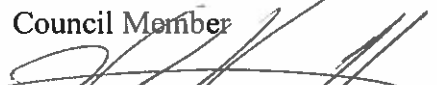
COUNCIL OF THE
TOWN OF LEONARDTOWN:



Leslie E. Roberts
Vice President




Thomas M. Combs
Council Member



Hayden B. Hammett
Council Member



J. Maguire Mattingly, IV
Council Member



Roger L. Mattingly
Council Member

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown on this 11th day of April, 2018.

Laschelle E. McKay

Laschelle E. McKay,
Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby
(Approve) or (Disapprove) Approve of this Ordinance on this 11th day of
April, 2018.

Daniel W. Burris

Daniel W. Burris, Mayor