

ORDINANCE NO. 3803

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 11-94 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) ENTITLED 'AIRGUNS, SLINGSHOTS, ETC.' FOR THE PURPOSE OF MODERNIZING THE PROHIBITIONS PERTAINING TO WEAPONS OTHER THAN FIREARMS WHICH SHOOT PROJECTILES, PROVIDING A MORE COMPLETE LISTING OF THE WEAPONS SUBJECT TO ITS TERMS, AND IMPLEMENTING A PERMITTING PROCESS FOR PERSONS ENGAGED IN THE BUSINESS OF WILDLIFE DAMAGE CONTROL TO USE BB GUNS OR AIR GUNS IN THE PERFORMANCE OF THEIR WORK DUTIES."

WHEREAS, section 11-94 of the City Code prohibits the discharge of air guns and similar weaponry other than firearms which discharge projectiles. It also prohibits the possession of such weaponry upon the streets and alleys of the City.

WHEREAS, one of the purposes of this ordinance is to render section 11-94 inapplicable to bean shooters, slingshots and blow pipes and to extend its prohibitions to bb guns, paintball guns, airsoft guns, bows and crossbows so as to modernize its terms relative to the types of weapons which are more commonly utilized today and which present a public safety risk. The use of the newly added weapons is already prohibited by the terms of section 11-94; however, expressly listing them provides clearer notice of the applicable prohibitions.

WHEREAS, there have been an increasing number of incidents in the City and elsewhere where firearm replicas are being used in the commission of crimes. There was a recent incident where juveniles were apprehended for

discharging bb guns on City streets. The potential for police officers to use their service weapons in incidents where juveniles or others may inadvertently point the types of weapons which are the subject of section 11-94 at them will hopefully be limited by the amendments provided for under the terms of this ordinance.

WHEREAS, from time to time, the City receives requests from persons engaged in the pest control business (i.e., the holders of Wildlife Damage Control Permits issued pursuant to COMAR 08.03.15) to allow for their use of bb guns and air guns for pest eradication purposes. The amendments effected by this ordinance provide for a permitting process for such use.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that section 11-94 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted with amendments, to read as follows:

Sec. 11-94. - Air guns, spring guns, etc.

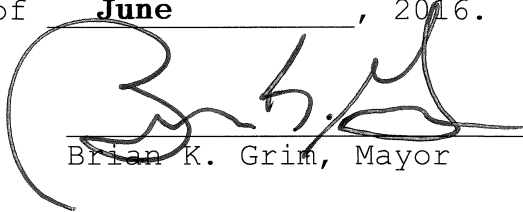
No person shall discharge, fire or shoot any air gun, spring gun, bb gun, paintball gun, airsoft gun, bow or crossbow or any other similar contrivance manufactured and calculated to discharge any shot or missile within the city, and no person shall possess any such weapon upon any of the streets or alleys of the city; provided, however, that this provision shall not prohibit the discharge of a paintball gun or airsoft gun on any property where paintball and/or airsoft competitions are permitted by the property owner. Notwithstanding the foregoing, a holder of a Wildlife Control Permit issued pursuant to COMAR 08.03.15 may apply to the Chief of Police for a permit to utilize a bb gun or air

gun on a single day for bona fide pest control work-related purposes, provided the applicant is able to provide proof of satisfactory insurance coverage. The Chief of Police shall give due consideration to safety issues in determining whether to issue a permit or whether to impose conditions on its issuance.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.


SECTION 3: AND BE IT FURTHER ORDAINED, that the City Clerk shall cause the title of this Ordinance and the text after the introductory recitals to be published in the Cumberland Times-News for three (3) successive days, excluding Sundays.

Passed this 21st day of June, 2016.



Brian K. Grim, Mayor

ATTEST:



Marjorie E. Woodring, City Clerk

Dates of publication:

June 27,28,29, 2016

1st reading: June 7, 2016

2nd reading: June 21, 2016

3rd reading; june 21, 2016

Passed 4-0

Sec. 11-94. - Air guns, slingshots spring guns, etc.

No person shall discharge, fire or shoot any air guns, ~~spring gun, blow pipe,~~ slingshot, ~~bean shooter bb gun, paintball gun, airsoft gun,~~ bow or crossbow or any other similar contrivance manufactured and calculated to ~~throw, sling, or~~ discharge any shot or missile within the city, and no person shall possess any such weapon upon any of the streets or alleys of the city; provided, however, that this provision shall not prohibit the discharge of a paintball gun or airsoft gun on any property where paintball and/or airsoft competitions are permitted by the property owner. Notwithstanding the foregoing, a holder of a Wildlife Pest Control Permit issued pursuant to COMAR 08.03.15 may apply to the Chief of Police for a permit to utilize a bb gun or air gun on a single day for bona fide pest control work-related purposes, provided the applicant is able to provide proof of satisfactory insurance coverage. The Chief of Police shall give due consideration to safety issues in determining whether to issue a permit or whether to impose conditions on its issuance.

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