

**ORDINANCE NO. 19-01**  
**AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 80,**  
**ENTITLED "FIREARMS," RELATING TO DISCHARGING FIREARMS IN TOWN LIMITS.**

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances for the protection and preservation of Town property, rights and privileges; for the preservation of peace and good order; for securing protection and promotion of health, safety, comfort, convenience, welfare and happiness of the residents of the Town;

**WHEREAS**, Title 22, Section 111 of the Delaware Code authorizes municipalities to regulate the discharge of a firearm, subject to incorporation of the justification defenses found in Title 11 of the Delaware Code;

**WHEREAS**, the Town of Millville has adopted a Firearms Ordinance for the municipality, which has been codified in Chapter 80 of the Town Code; and

**WHEREAS**, the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, a majority thereof concurring Council duly met, following a duly noticed meeting held on May 8, 2018, that the following language hereby is adopted and incorporated into the Town of Millville Code at Chapter 80, entitled "Firearms," as follows:

**Additions are shown in black bold and underlined.**

**Chapter 80: Firearms**

...

**§ 80-2. Discharging firearms and weapons.**

**A. No person shall discharge any firearm, air rifle, CO2 pistol, air gun, bow and arrow, crossbow, slingshot, or any weapon capable of propelling a missile by explosion of powder, compression of air, springs, or any other means, within the Town of Millville.**

**B. Notwithstanding subsection A, this section shall not apply to any of the following:**

- (1) A law enforcement officer in the performance of official duties;**
- (2) A property owner on his or her parcel of land that is at least 15 acres, except within 200 yards of any residence or within 15 yards of any road serving more than just that parcel;**

(3) A person on a parcel of land that is at least 15 acres carrying written permission from an owner of that parcel, except within 200 yards of any residence or within 15 yards of any road serving more than just that parcel.

C. A violation of this section is subject to the justification defenses found in Title 11 of the Delaware Code.

D. Any person who violates this section shall, upon conviction thereof, shall be fined not less than \$25 nor more than \$50 for the first offense, in addition to the costs of prosecution, and for any subsequent like offense, shall be fined not less than \$50 nor more than \$99 in addition to the costs of prosecution. For purposes of this section, each discharge of a firearm shall be deemed to be a separate offense.

E. For purposes of this section, "firearm" and "law enforcement officer" are as defined in § 222 of Title 11 of the Delaware Code.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THIS 8 DAY OF May, 2018.

SEAL:

  
ROBERT GORDON, MAYOR

ATTESTED:

  
PETER MICHEL, SECRETARY

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### SYNOPSIS

This ordinance adds a restriction of discharging firearms and similar weapons within the Town of Millville. There is an express exception for law enforcement officers performing official duties and property owners and their permittees on their land if it is at least 15 acres. Additionally, as required by Title 22, Section 111 of the Delaware Code, the justification defenses, currently codified in Title 11, Sections 462 through 471 of the Delaware Code, are available.