

Resolution No.: 16-898
Introduced: March 31, 2009
Adopted: March 31, 2009

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 34-08AM, Discharge of Guns Within Montgomery County, Department of Police

Background


1. On December 11, 2008, the County Council received Executive Regulation 34-08, Discharge of Guns Within Montgomery County, Department of Police.
2. The Council must review the regulation under method (2) of Section 2A-15 of the County Code.
3. Under method (2), if the Council does not approve or disapprove a regulation within 60 calendar days after the Council receives the regulation, the regulation automatically takes effect. On February 3, 2009, the Council extended consideration time to June 30, 2009.
4. The Public Safety Committee held a worksession on this regulation on February 19, 2009. The Committee requested the Executive amend the regulation to require posted notice when a weapon will be discharged for hunting within the Urban Boundary both on parcels of less than 50 acres and on parcels of 50 acres or more.
5. On March 18, 2009, the County Executive forwarded Executive Regulation 34-08AM, Discharge of Guns Within Montgomery County, Department of Police which includes the requested change.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 34-08AM, Discharge of Weapons Within Montgomery County, Department of Police, is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject WEAPONS	Number 34-08AM
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date March 31, 2009

Montgomery County Regulation on
DISCHARGE OF GUNS WITHIN MONTGOMERY COUNTY
DEPARTMENT OF POLICE

Issued by: County Executive

Regulation No.

COMCOR

Authority: Montgomery County Code, 1965, as amended

Section 2-22, Section 57-4(e) and 2A-15

Supersedes: 16-93

Council Review: Method 2, under Code Section 2A-15

Register Vol. 25 No. 10

Comment Deadline: November 30, 2008

Effective Date: March 31, 2009

Sunset Date: None

SUMMARY: The purpose of this regulation is to establish procedures and criteria that the Chief of Police must use to determine whether it is safe to discharge a gun under a deer management [damage control] permit issued by the Department of Natural Resources and to establish rules for deer hunting on land at least 50 acres in size within the Urban Area.

ADDRESS: Montgomery County Department of Police
2350 Research Boulevard
Rockville, Maryland 20850

STAFF CONTACT: Captain Michael Wahl, Director
Animal Services Division
Telephone (240) 773-5928

BACKGROUND: The current overpopulation of deer in the County has been causing substantial economic harm to the County's farmers and other agriculturalists. According to a 2004 landowner survey, the deer have destroyed the forest habitat in the County and account for more than \$1 million in crop losses to Montgomery County farmers. Recent amendments to Montgomery County Code, Chapter 57, Weapons, make it easier for residents to protect their property from deer impacts by permitting the discharge of firearms on private land during hunting season without police approval or a site inspection so long as certain requirements are met. This regulation is intended to ensure the public's safety during hunts on these parcels.



MONTGOMERY COUNTY EXECUTIVE REGULATION

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Subject WEAPONS	Number 34-08AM
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

Sec. 1. Purpose. Procedure to allow the discharge of a firearm within the urban area under a deer management [damage control] permit issued by the Maryland Department of Natural Resources and approved by the Chief of Police and to establish rules for deer hunting on private property at least 50 acres in size.

Sec. 2. Procedures. (a) An applicant for a deer management permit inside the urban area must contact the Montgomery County Police Department's (MCPD) police district serving the area in which the requestor's site is located within 24 hours of submitting the application to the Department of Natural Resources (DNR). An MCPD executive officer (lieutenant or above) will contact DNR as soon as practical but no more than 24 hours after receiving such notification to arrange to meet at the location where the permit has been requested. [When the Department of Natural Resources (DNR) receives a request for a deer damage control permit at a location that is less than 50 acres within the urban area, DNR will contact the Montgomery County Police Department's (MCPD) police district serving the area in which the requestor's site is located. The DNR agent and an executive officer (lieutenant or above) from the police district will thereafter meet at the location where the permit has been requested within three (3) calendar days of the formal request.]

The MCPD executive officer will meet [T]the DNR agent [and MCPD executive officer will] at the location where the permit has been requested to jointly [together] inspect the location to resolve any issues or questions. If the MCPD executive officer and DNR agent cannot meet at a mutually convenient time, the MCPD executive officer must contact the applicant to arrange to inspect the location within three (3) calendar days of the issuance of the permit. The DNR agent will have the sole responsibility for determining the need for the issuance of the deer management [damage control] permit. The MCPD executive officer will inspect the site from the standpoint of safety issues, including, but not limited to, the location's proximity to occupied buildings and/or roadways, whether the location provides for downward trajectory, and any other considerations that may necessitate restricting the use of a firearm to carry out the stated purpose of the management [damage control] permit.

If the DNR agent determines that a deer management [damage control] permit is to be issued, the MCPD executive officer will request a copy of the completed permit from the DNR agent or the applicant [he will complete the permit listing the permit's tag numbers to be used and give the completed permit to the MCPD executive officer]. The MCPD executive officer will then complete an MCP Form # 590, Addendum to DNR Deer Damage Control Permit, listing all [deer tag numbers and] restrictions with which the permit holder must comply. The MCPD executive officer will forward the deer management [damage control] permit and addendum along with a memorandum outlining the reasons for any restrictions to the Chief of Police for review and signature within three (3) calendar days.



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After reviewing the documentation submitted for the deer management [damage control] permit from both the DNR and MCPD executive officer, the Chief of Police will either approve or disapprove the request, sign and date the MCP Form # 590. After signing, the originals of the MCP Form # 590 and the deer management permit [Deer Damage Control Permit] will be returned to the person requesting the permit by U.S. mail within four calendar days. The remaining two copies of the forms will be forwarded to the Department of Natural Resources for their records. The Department of Police will maintain its [their our] files.

(b) Whenever deer hunting is to occur on private property of at least 50 acres in size during hunting season, the property owner(s) must, at least 15 days before any weapon is discharged, post the perimeter of the property and, where applicable, at each road entrance to the property, with signs that:

- (1) are placed where the signs may reasonably be seen by passersby or from any adjacent roadway or public waterway
- (2) are posted at least every 100 yards along the perimeter of the property;
- (3) are at least 12 inches wide by 17 inches high
- (4) have black lettering on a yellow background;
- (5) that include the following warning: "CAUTION: Firearms in use for deer hunting on this property from (date) to (date). No Trespassing."

(c) Whenever deer hunting is to occur on private property within the urban area pursuant to a deer management permit, the property owner must follow the requirements in subsection (b) except that the owner must post the required warning signs at least two days before any weapon is discharged.

Sec. 3. Applicability. Any person within an urban area whose livelihood is threatened by property damage caused by deer may apply for a deer management [damage control] permit, except that no permit is necessary on land at least 50 acres in size during hunting season.

Sec. 4. Severability. If a court holds that part of this regulation is invalid, the invalidity does not affect other parts.



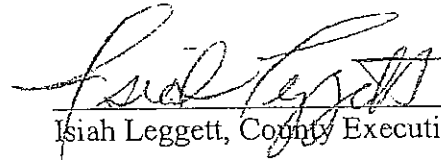
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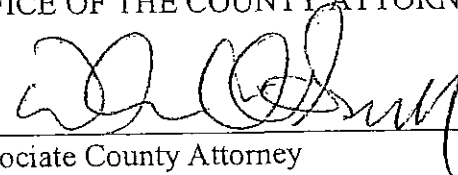
Subject WEAPONS	Number 34-08AM
Originating Department MONTGOMERY COUNTY DEPARTMENT OF POLICE	Effective Date

Approved:

Date 3/19/09


Isiah Leggett, County Executive

APPROVED AS TO FORM AND LEGALITY
OFFICE OF THE COUNTY ATTORNEY

By: 
Associate County Attorney

Date: 3/13/09