

Chapter 29

Firearms

Section 29-1 Discharging of Firearms

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History: This Chapter was Ordinance 9007 (adopted October 6, 1958).

Section 29-1 Discharging of Firearms

It is hereby declared to be a public nuisance for any person or persons without the consent of the Mayor, of the Mayor and Council of Delaware City, to discharge firearms within the City limits of Delaware City, except in the HPR District wherein firearms may be discharged if and only if such firearm discharge is authorized and regulated by an agency of the State of Delaware.¹

Section 29-2 Selling or Discharging of Spring Guns or Air Guns

It is further declared to be a public nuisance for any person or persons without the consent of the Mayor, of the Mayor and Council of Delaware City, to sell or discharge any spring gun or air gun that shoots or expels lead or other metallic pellets within the town limits of Delaware City.

Section 29-3 Violations

Any person violating the provisions of Sections 29-1 or 29-2 of this Article shall be guilty of a misdemeanor and upon conviction thereof before the Mayor or any Justice of the Peace shall be fined in a sum not exceeding one hundred dollars (\$100.00) for each and every offense.

Section 29-4 Possession of Firearms, Ammunition, Components of Firearms, or Explosives in Municipal Buildings and Police Stations Prohibited

(a) Prohibition. Except as set forth in subsection (e) below, possession of firearms, ammunition, components of firearms, or explosives in municipal buildings and police stations is prohibited in all municipal buildings and police stations.

(b) Municipal Building Defined. For purposes of this section, “municipal buildings” are defined as any building where the City meets in its official capacity, or any building containing the offices of elected officials and of public employees actively engaged in performing governmental business, but excludes any parking facility. The definition of “municipal building” also includes any non-City owned or leased building where the City is meeting in or occupying such a building, but only during the time that the City is meeting in or occupying such a building.

(c) Required Signs. In all municipal buildings and police stations, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components

¹ Chapter 29 Sec 1 Amended with Ordinance 18-0716-02 and Adopted on September 17, 2018

of firearms, or explosives are prohibited. Such sign may but is not required to also state that persons in violation may be denied entrance to the building or be ordered to leave the building.

(d) Immediate Departure. Any person who immediately foregoes entry or immediately exits any municipal building or police station due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.

(e) Exemptions. Nothing in this Section 29-4 shall be deemed to prevent the following in municipal buildings or police stations:

- (1) Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;
- (2) Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;
- (3) Law enforcement agencies conducting firearms safety and training programs;
- (4) Law enforcement agencies conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;
- (5) Compliance by persons subject to protection from abuse court orders;
- (6) Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self defense or defense of others;
- (7) Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or
- (8) Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

(f) Penalties. As necessary to protect public safety, any intentional violation of this Section 29-4 by any person shall be subject to a fine of at least \$250.00 and not to exceed \$1,000.00, or by imprisonment for not more than one year, or by both fine and imprisonment.²

Section 29-5 Reserved

² Ordinance 15-0720-01 created Section 29-4 and was Adopted on August 17, 2015