

**CITY OF BALTIMORE**  
**ORDINANCE \_\_\_\_\_**  
**Council Bill 06-0318**

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Introduced by: Councilmembers Holton, D'Adamo, Welch, Reisinger, Clarke  
Introduced and read first time: January 9, 2006  
Assigned to: Public Safety Subcommittee

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Committee Report: Favorable with amendments  
Council action: Adopted  
Read second time: December 7, 2006

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**AN ORDINANCE CONCERNING**

**Weapons — Paintball, Pellet Guns**

FOR the purpose of prohibiting the possession, sale or transfer, or discharge of paintball guns and similar devices; defining certain terms; imposing certain penalties; correcting, clarifying, and conforming certain related provisions governing gas- and air-pellet devices; and generally relating to guns and other devices that discharge pellets and other objects.

BY repealing and reordaining, with amendments

Article 19 - Police Ordinances  
Section(s) 59-26  
Baltimore City Code  
(Edition 2000)

~~BY adding~~

~~Article 19 - Police Ordinances  
Section(s) 59-26.1  
Baltimore City Code  
(Edition 2000)~~

**SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the Laws of Baltimore City read as follows:

**Baltimore City Code**

**Article 19. Police Ordinances**

**Subtitle 59. Weapons**

**§ 59-26. Gas- or air-pellet guns.**

(A) *DEFINITIONS.*

**EXPLANATION:** CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.  
Underlining indicates matter added to the bill by amendment.  
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

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1 (1) *IN GENERAL.*

2 IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

3 (2) "*GAS- OR AIR-PELLET GUN*".

4 "*GAS- OR AIR-PELLET GUN*" ~~MEAN~~ MEANS ANY GUN OR OTHER DEVICE, BY WHATEVER  
5 NAME OR DESCRIPTION KNOWN, THAT DISCHARGES A PELLET OR OTHER OBJECT BY  
6 FORCE OF GAS OR AIR CYLINDER OR CARTRIDGE, BY ACTION OF AN EXPLOSIVE OR  
7 COMBUSTIBLE PROPELLANT, OR BY PUMP ACTION.

8 (3) *PAINTBALL GUN.*

9 "*PAINTBALL*" MEANS ANY GUN OR OTHER DEVICE, INCLUDING A GAS- OR AIR- PELLET  
10 GUN, THAT IS USED OR DESIGNED OR INTENDED TO BE USED TO DISCHARGE A  
11 PAINTBALL OR OTHER OBJECT DESIGNED OR INTENDED TO MARK A TARGET WITH  
12 PIGMENTATION.

13 (4) ~~(3)~~ "*PERSON*".

14 "*PERSON*" MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION,  
15 LIMITED LIABILITY COMPANY, OR OTHER ENTITY OF ANY KIND.

16 (B) [(a)] *Giving, etc., to minor prohibited.*

17 [It shall be unlawful for any persons, firm, or corporation to] NO PERSON MAY sell, give  
18 away, [lend, rent,] or otherwise transfer A GAS- OR AIR-PELLET GUN OR PAINTBALL GUN  
19 to, or permit the use OF A GAS- OR AIR-PELLET GUN OR PAINTBALL GUN by, any individual  
20 whom [any such] THAT person[, firm, or corporation] knows or has reasonable cause to  
21 believe [to be] IS a minor[, under the age of 21 years, any gun or other device, by  
22 whatever name or description known, which discharges a pellet or other object by force  
23 of gas or air cylinder or cartridge].

24 (c) [(b)] ~~*Discharge or use [prohibited].*~~

25 [~~It shall be unlawful for any] NO person [to] MAY discharge or use any [gun or other~~  
26 ~~device, by whatever name or description known, which discharges a pellet or other object~~  
27 ~~by force of a gas or air cartridge or cylinder,] GAS- OR AIR- PELLET GUN unless the [said]  
28 gun [shall be] is kept within his OR HER own domicile or [shall be] is used by him  
29 EXCLUSIVELY for the purpose of teaching the use and care of [weapons or] firearms at  
30 [an] A PROPERLY CONSTRUCTED indoor or outdoor range [which shall be under the  
31 supervision, guidance, and instruction of an adult].~~

32 (C) *POSSESS, DISCHARGE, OR USE.*

33 NO PERSON MAY POSSESS, DISCHARGE OR USE ANY GAS- OR AIR- PELLET GUN OR  
34 PAINTBALL GUN IN BALTIMORE CITY EXCEPT:

35 (1) IF THE GUN IS KEPT WITHIN HIS OR HER DOMICILE OR IS USED BY HIM OR HER  
36 EXCLUSIVELY FOR THE PURPOSE OF TEACHING THE USE AND CARE OF FIREARMS AT  
37 A PROPERLY CONSTRUCTED INDOOR OR OUTDOOR RANGE;

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1           (2) ON A PROPERLY CONSTRUCTED TARGET RANGE OR RECREATIONAL PAINTBALL  
2           FACILITY;

3           (3) ON PRIVATE GROUNDS OR RESIDENCE UNDER CIRCUMSTANCES IN WHICH THE GUN  
4           IS OPERATED SO AS TO NOT ENDANGER PERSON OR PROPERTY AND IN A MANNER  
5           THAT PREVENTS THE PROJECTILE FROM TRAVERSING ANY GROUNDS OR SPACE  
6           OUTSIDE OF THE PRIVATE GROUNDS OR RESIDENCE; OR

7           (4) IF THE GUN IS BEING TRANSPORTED IN A MOTOR VEHICLE FOR ANY LAWFUL  
8           PURPOSE AND IS NOT BEING CARRIED ON A PERSON.

9           [(c) *Same.*

10           It shall be unlawful for any person to discharge any such gun or device from or across  
11           any street, sidewalk, alley, or public road within the limits of the City of Baltimore  
12           except on a properly constructed target range or except on private grounds or residence  
13           under circumstances where the said gun or device can be fired, discharged, or operated in  
14           such a manner as not to endanger persons or property and also in such a manner as to  
15           prevent the projectile from traversing any grounds or space outside the limits of such  
16           grounds or residence.]

17           (d) *Penalties.*

18           Any [violation of the provisions] PERSON WHO VIOLATES ANY PROVISION of this section  
19           [shall be deemed to be] IS GUILTY OF a misdemeanor AND, ON CONVICTION, IS subject  
20           [upon conviction] to a fine of not more than [\$500] \$1,000 or to imprisonment for not  
21           [longer] MORE than [60 days] 12 MONTHS or to both fine and imprisonment[, in the  
22           discretion of the Court] FOR EACH OFFENSE.

23           ~~§ 59-26.1. PAINTBALL GUNS.~~

24           ~~(A) DEFINITIONS.~~

25           ~~(1) IN GENERAL.~~

26           ~~IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.~~

27           ~~(2) "PAINTBALL GUN".~~

28           ~~"PAINTBALL GUN" MEAN ANY GUN OR OTHER DEVICE, INCLUDING A GAS OR AIR~~  
29           ~~PELLET GUN AS DEFINED IN § 59-26 OF THIS SUBTITLE, THAT IS USED OR DESIGNED OR~~  
30           ~~INTENDED TO BE USED TO DISCHARGE A PAINTBALL OR OTHER OBJECT DESIGNED OR~~  
31           ~~INTENDED TO MARK A TARGET WITH PIGMENTATION.~~

32           ~~(3) "PERSON".~~

33           ~~"PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION,~~  
34           ~~LIMITED LIABILITY COMPANY, OR OTHER ENTITY OF ANY KIND.~~

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1        ~~(B) DISCHARGE, POSSESSION, ETC., PROHIBITED.~~

2                ~~NO PERSON MAY DISCHARGE, POSSESS, SELL, BUY, GIVE AWAY, OR OTHERWISE TRANSFER~~  
3                ~~ANY PAINTBALL GUN IN BALTIMORE CITY.~~

4        ~~(C) PENALTIES:~~

5                ~~ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A~~  
6                ~~MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR~~  
7                ~~TO IMPRISONMENT FOR NOT MORE THAN 12 MONTHS OR TO BOTH FINE AND IMPRISONMENT~~  
8                ~~FOR EACH OFFENSE.~~

9                **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance  
10                are not law and may not be considered to have been enacted as a part of this or any prior  
11                Ordinance.

12                **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
13                after the date it is enacted.

Certified as duly passed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Chief Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Mayor, Baltimore City