

**Section 1339. Restricting the Discharge of Firearms.**<sup>24</sup>

(A) Overview. This ordinance is enacted pursuant to 30-A, M.R.S.A. ss. 3001 and in compliance with 24 M.R.S.A. ss. 2011 and the home rule authority of the City of Gardiner in order to provide for the safety of the residents of the city, to eliminate a threat to the peaceful enjoyment and use of property, and to maintain an appropriate safety environment near public school property.

(B) Definition. For the purpose of this ordinance the term "firearms" shall include; air rifles or air guns, any gas-charged weapon, sling shots, as well as any firearm discharged by gun powder. This is not intended to include construction equipment.

(C) Discharge of Firearms Inside the Restricted Area. No person except a law enforcement officer in the performance of their duty shall discharge any firearm within the limits of the city described as the "restricted area" except as follows:

- (1) In the proper defense of person, family, or property as permitted by statute;
- (2) For the destruction of a dangerous animal;
- (3) At military exercises, funerals, reviews, or memorial events;
- (4) In connection with the discharge of blank cartridges for theatrical purposes or for signal purposes in athletic or sports events;
- (5) In the legal exercise of trapping by licensed trappers.

(D) Restricted Area. Defined as the urban compact area as defined by Maine State Department of Transportation, also to include:

- (1) A corridor with a center line beginning at the intersection of the Capen Road and Route 24 following the center line of Route 24 south to the point of the intersection of Phillips Street and extending on either side of the center line 1,200 feet.
- (2) Extending the line of the urban compact line on its southerly side 3,000 feet from the intersection of the Marston Road and Route 201 then southeasterly to a point one mile from the intersection of Cottage Street and Route 24.

(E) Discharge of Firearms Outside the Restricted Area.

- (1) No person shall discharge a firearm on property of another without dated and signed written permission of owner on their person; this must be updated yearly and may be cancelled by the landowner at anytime with notice, with the exceptions in section 3.
- (2) No person shall discharge a firearm within 400 feet of a dwelling, structure, or a place of business or assembly.
- (3) No person shall discharge a firearm which causes or permits a bullet or projectile to pass within 400 feet of any type of dwelling, or place of business or assembly.
- (4) No person shall discharge a loaded firearm or cause a bullet or projectile to pass within 500 feet of school property, except as used in a supervised educational program in a licensed rifle or piston range on school property.
- (5) No person shall discharge a firearm which causes or permits a bullet or projectile to cross a paved road or highway.
- (6) No person shall discharge a firearm to carelessly, negligently, or maliciously shoot at, kill, or wound a domestic animal, bird, or pet.
- (7) Any person on the property of another must identify himself or herself with proper ID upon the request of the property owner.

(F) Target Ranges. This is intended for personal target ranges. Commercial target ranges must be approved by the Planning Board. Personal target ranges are allowed according to the following rules and regulations outside the restricted zone as approved by the chief of police. The 400 foot limit does not apply to approved target ranges.

- (1) Backstop constructed of logs or timbers at least 12" in diameter with an earth barrier behind, or an earth barrier of suitable materials with no less than a 45 degree slope, or suitable backstop or area approved by the chief of police.
- (2) There shall also be a natural obstruction of trees or terrain to the rear of the backstop.
- (3) The target area will be placed no less than 3 feet from the top and sides of the backstop, attached to the backstop.
- (4) The range widths to the target shall be no less than 15 feet for 50 yards, 25 feet for 100 yards, and 50 feet for 200 yards.
- (5) No range will be situated less than 100 feet from the nearest roadway and shall not be constructed so the projectile travels toward the roadway.
- (6) No shooting in target areas will be permitted except between the hours of sunrise and sunset, with the exceptions in section 3.

(G) Enforcement and Penalty.

- (1) This ordinance may be enforced by any law enforcement agency.
- (2) Any person violating any portion of this ordinance or removing restricted-area signs shall be subject to a fine up to \$100.00 plus cost for each offense.

**Section 1340. Enforcement.**

The chief of police is hereby directed to enforce all sections of this chapter.