

**TOWN COUNCIL
Town of Falmouth, Maine
July 25, 2011**

**An Ordinance Amending Chapter 10- Miscellaneous Offenses, Section 10-1
Use of Firearms**

Be it ordained by the Town Council of the Town of Falmouth, Maine in Town Council assembled, that the Falmouth Code of Ordinance be amended as follows:

Chapter 10 MISCELLANEOUS OFFENSES*

***Cross references:** Provisions for notices for nuisances, signs, dangerous, unsafe, dilapidated buildings, and any other action the expense of which may be collected from the property owner, § 2-3; police department, § 2-430 et seq.

Sec. 10-1. Use of firearms.

This section is enacted pursuant to 30-A M.R.S.A. § 3001 and the home rule authority of the town in order to provide for the safety of residents of the town; to eliminate a threat to the peaceable enjoyment and use of property; and to maintain an appropriate educational environment on public school property.

(a) Trespass with a firearm. A person in possession of a firearm who is not a duly authorized law enforcement officer engaged in the proper exercise of his duties, shall not enter upon private property for any purpose without the permission of the property owner.

(b) Discharge of firearms. The discharge of firearms, including without limitation handguns, rifles, shotguns and gas-operated weapons, for any purpose in the town is hereby prohibited with the following exceptions:

(1) The discharge of shotguns in connection with lawful hunting is allowed, where prior permission of the property owner has been obtained, in the following areas of the town:

a. The area within fifty (50) feet inland from the high-water mark along the Presumpscot River estuary from Interstate 295 on the northerly shore of the estuary to a point where the easterly sideline of Greenway Drive extended northerly would intersect the high-water mark;

b. The shoreline of Casco Bay from the Martin Point Bridge to the Town of Cumberland, except the area designated as part of the Back Cove Sanctuary as described in 12 M.R.S.A. § 7651; and

c. The entire area lying westerly of Middle Road except the following school and residential zones:

(i) The area bounded by Middle Road, Falmouth Road, Allen Avenue Extension and that portion of the Presumpscot River that runs between Allen Avenue Extension and the Middle Road, which area also includes the Plummer-Motz School and the Lunt School;

(ii) The area surrounding the Falmouth Middle/High School and bounded by Woodville Road, Falmouth Road, the East Branch of the Piscataqua River (except the area fifty (50) feet from the easterly shore thereof) and Field Road, provided, however, that this prohibition shall not apply within such area if, before October 1, each year, the police chief reports to the town council that (i) a line five hundred (500) feet from the school property line is posted with signs including the language "No Hunting" and at intervals not less than one hundred (100) feet and (ii) hunting is allowed only with the written permission of the landowner, which permission must be kept in the possession of the hunter. The erection of signs as provided herein shall be at the option of the landowner and at the expense of the town. Such signs must be maintained throughout the hunting season.

(2) For those areas in which the discharge of firearms is permitted, when the discharge of a firearm is within five hundred (500) feet of any dwelling, the permission of an adult residing at the dwelling unit must be obtained prior to any discharge.

(3) The discharge of .22 caliber pistols at night in conformity with state regulation for the purpose of hunting raccoons is allowed in those areas designated for the discharge of shotguns under paragraph (1).

(4) Target practicing is allowed, but only in those areas of the town designated for discharge of shotguns under paragraph (1) and only within the confines of areas for which a permit as a range has been obtained from the chief of police and only with such types and calibers of firearms and under such conditions as shall be specifically enumerated by the chief of police in such permit. Such permit shall be valid for any period of time as shall be designated thereon by the chief of police but in no event shall any such permit be valid without renewal for more than one (1) year. The chief of police shall refuse to issue a permit only when he finds that the issuance of such permit will pose a danger or possibility of danger to life or property.

(5) The discharge of firearms is allowed on their own property by those property owners and their permittees described in, and for all purposes listed in, 12 M.R.S.A. §§ 7501, 7502, and 7504, and all other Maine statutes regulating hunting.

(c) The permission required by subsections (a) and (b) of this section may be evidenced either by a writing from the owner or dwelling resident as the case may be, kept on the person of the permittee or, implicitly, if the owner does not post signs at approximately eye level at reasonable intervals around the perimeter of the property indicating that trespassing is prohibited, except that written permission must be obtained to discharge a firearm with five hundred (500) feet of any dwelling.

(d) Possession of firearms on school property. The possession of firearms on school .

(e) No hunting ~~at Falmouth Community Park in parks and public land areas designated under Article IV, Section (11) a~~, with either firearms or bow and arrow, is further prohibited within three hundred (300) feet of any playing field, parking area or established walking paths.

(f) Protection of life and property. Nothing in this section shall be construed to prohibit the use of firearms when justified for the protection of human life or property or by duly authorized police officers in the proper exercise of their duties.

(g) Enforcement and penalty.

(1) Police officers of the town shall have the authority and power to enforce this section.

(2) Any person violating this section shall be subject to the maximum fine allowable ~~under the Town Charter~~ for the Town of Falmouth and/or confiscation of the firearm used in such violation.

(Ord. of 5-30-91; Ord. of 12-20-93; Ord. of 7-24-95; Ord. of 10-23-2000; Ord. of 12-19-00)