

AGENDA AND PROPOSED ORDERS
GORHAM TOWN COUNCIL
REGULAR MEETING
September 6, 2011– 7:00 p.m.
Gorham Municipal Center – Burleigh H. Loveitt Council Chambers

Pledge of Allegiance to the Flag

Roll Call of the Town Council

Acceptance of the minutes of the August 2, 2011 Regular Meeting

Open Public Communications

Councilor Communications

Chairman’s Report

Town Manager’s Report

School Committee Report

New Business

Public

Hearing #1 Public Hearing on a proposal to amend the Town’s Firearms Ordinance and Shotgun Only Map.
(Adm. Spon.)

Item #8050 Action to consider a proposal to amend the Towns Firearms Ordinance and Shotgun Only Map.
(Ordinance Committee 3-0 Spon.)

Proposed

Order #8050 Whereas, the Town of Gorham adopted a Firearms Ordinance on June 7, 1994 and amended it
September 6, 1994, and

Whereas, the Ordinance restricted the discharge of firearms in certain areas because of
development, and

Whereas, the Town has continued to grow with additional development and the Ordinance
needs to be updated,

NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Gorham, Maine in Town
Council assembled that the Town Council approve the amendment to the Firearms Ordinance,
and

BE IT FURTHERED ORDERED, that as part of the Firearms Ordinance, the updated Shotgun and
Muzzleloading Restricted Zone map is also approved, and

BE IT FURTHERED ORDERED, that the effective date of this ordinance amendment shall be
October 7, 2011.

TOWN OF GORHAM

FIREARMS ORDINANCE

Enacted June 7, 1994

Amended September 6, 1994

FIREARMS ORDINANCE

SECTION 1. DEFINITIONS

1.1 The definition of "Firearm", ~~as defined by 12 M.R.S.A. Sec. 10001~~, includes any instrument used in the propulsion of pellets, shot, or bullets by action of gunpowder. ~~compressed air or gas exploded or released within it~~ **as defined by 12 MRSA Section 1001.**

A. ~~"Autoloading firearm" means a firearm that reloads itself after each shot and requires that the trigger be pulled for each shot.~~

B. ~~Automatic firearm means a firearm that will continue to fire as long as the trigger is held back.~~

1.2 Muzzle-Loading Firearm: "Muzzle-loading firearm" means a muzzleloader, a traditional muzzleloader, modern inline muzzleloader, or a muzzle-loading shotgun.

1.3 Muzzleloader: "Muzzleloader" means a firearm that:

A. Is capable of being loaded only through the muzzle;

B. Is ignited by a matchlock, wheel lock, flintlock or caplock, including an in-line caplock or shotgun or rifle primer mechanism;

C. Has a rifled or smooth –bored barrel or barrels, each barrel capable of firing only a single charge;

D. Propels a ball, bullet or charge of shot; and

E. May have any type of sights, including scopes.

1.4 Direct family members: Any person related to the property owner by blood or by marriage.

1.5 Shotgun: A firearm typically used to fire a number of small balls from a shotgun shell through a rifled or smoothbore barrel of relatively large diameter, propelling a load of pellets, buckshot, bullets or slugs, for the purpose of big or small game hunting.

A. A shotgun may have any type of sights, including scopes.

SECTION 2. SHOTGUN, ONLY **AND MUZZLE LOADING, RESTRICTED** ZONE

2.1 It shall be a violation of this ordinance for any person to discharge a firearm of any kind or description, except for shotguns **or muzzle loaders**, within the "Shotgun ~~only~~ **and Muzzle Loading Restricted** Zone" as shown on the Gorham Firearms Map, which is dated June 7, 1994 **and subsequently amended**, as is kept in the Gorham Town Clerk's office.

2.2 This section shall not apply to any person while on their own property to which they are legally entitled to possession, ~~and~~ **or** on which they are actually domiciled, **or their direct family members or persons who have written permission from the owner.**

SECTION 3. OWNER OF PROPERTY

3.1 This ordinance shall not restrict an owner of said property, **or any person that has obtained written permission from the owner**, whether or not such property is located in the "Shotgun ~~Only~~ **and Muzzle Loading Restricted** Zone" from discharging a shotgun or a 22-caliber

~~him~~ firearm on his/her own property to dispatch a wild animal that is destroying said property, so long as said owner or permitted individual of the property acts pursuant to and in accordance with 38 M.R.S.A. Sec. 7501 et seq. as amended. **Title 12 M.R.S.A., Sections 12401-12404.**

SECTION 4. DISCHARGE OF FIREARM NEAR DWELLING IS PROHIBITED.

4.1 The discharge of a firearm, including shot guns or muzzleloaders, within 100 yards of a building or residential dwelling is prohibited without the permission of the owner, or in the owners absence, an adult occupant of the building or dwelling authorized to act on behalf of the owner.

SECTION 5. MUNICIPAL PROPERTIES

5.1 It shall be a violation of this ordinance for any person to discharge a firearm of any type of description at or on the following municipal properties ~~any school properties, Municipal Center, Baxter Memorial Library, the Chick Property located between Main Street, Libby Avenue, and Gray Road,~~ within 500 feet of the municipal landfill, transfer station and the fuel tanks ~~located on Huston Road, or any municipal property posted by the Town. as listed:~~

- A. Within 500 feet of any School Property**
- B. Gorham Municipal Center**
- C. Baxter Memorial Library**
- D. The Chick Property located between Main Street, Libby Avenue and Gray Road**
- E. Within 300 feet of the Public Works Garage**
- F. Within 300 feet of the fuel tanks located on Huston Road**
- G. Fort Hill Park**
- H. Little Falls Recreation Area**
- I. Little Falls School Area**
- J. Shaw Park**
- K. Robie Park**

SECTION 6. NARRAGANSETT GAME SANCTUARY

6.1. "Narragansett Game Sanctuary" as defined in Title 12 M.R.S.A. Sec. 7654 **12706 (1)(S)** is: "The following described territory situated in the Town of Gorham, in the County of Cumberland: Bounded on the north by the right-of-way of the W.N. and P. division of the Boston & Maine Railroad; on the east side by the Black Brook Road or Scarborough Road, also known as Brackett Road and Libby Avenue¹ so called, in said Town of Gorham; on the south side by the Stroudwater River; and on the west side by South Street or South Gorham Road, so called, in the Town of Gorham, containing 3,600 acres, more or less. For provisions relating specifically to Narragansett Game Sanctuary, see ~~Section 7654, Subsection 8, Paragraph A, Subparagraph (4)~~ **Title 12, M.R.S.A. Section 12707 (2)(D).**

SECTION 7. VIOLATIONS/FINES

7.1 Any person found to be in violation of any part of this ordinance shall be fined not less than ~~\$300.00~~ \$100.00 and not more than \$5,000.00, with the fine recovered for use by the Town of Gorham. The Town of Gorham may initiate any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of this ordinance and the Town shall be entitled to recover its legal costs.

SECTION 8. SEVERABILITY

¹ Amended September 6, 1994

8.1 If any section or provision of this ordinance shall be finally declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections and provisions of the ordinance.

Item #8051 Action to consider sending a letter to the Maine Turnpike Authority asking the Authority to fund phase 2 of the Gorham East/West Corridor Study. (Adm. Spon.)

Proposed

Order #8051 Ordered, that the Town Council send a letter to the Maine Turnpike Authority asking the Authority to fund phase 2 of the Gorham East/West Corridor Study as presented.

Item #8052 Action to consider a request from Dennis and Demetria Chadbourne to develop a contract zone for property located at 83 County Road (Tax map 6, Lot 30). (Admin Spon.)

Proposed

Order #8052 Ordered, that the Town Council refer a request from Dennis and Demetria Chadbourne to develop a contract zone for property located at 83 County Road (Tax map 6, Lot 30) with substantially similar requirements that are included in the proposed contract for the Hans Hansen property, to the Planning Board for public hearing and the Board's recommendation.

Item #8053 Action to consider a request from Albert Frick to develop a contract zone for property located near 95 County Road (Tax Map 6, lot 31 and Tax Map 4, Lot 09). (Adm. Spon.)

Proposed

Order #8053 Ordered, that the Town Council refer a request from Albert Frick to develop a contract zone for property located at 95 County Road (Tax Map 6, Lot 31 and Tax Map 4, Lot 09) with substantially similar requirements that are included in the proposed contract zone for the Hans Hansen property, to the Planning Board for public hearing and the Board's recommendation.

Item #8054 Action to consider a request from Mike and Sally Ordway to develop a contract zone for property at 94 County Road. (Tax Map 4, Lot 6.001) (Admin Spon.)

Proposed

Order # 8054 Ordered, that the Town Council refer a request from Mike and Sally Ordway to develop a contract zone for property located at 94 County Road (Tax Map 4, Lot 6.001) with substantially similar requirements that are included in the proposed contract zone for the Hans Hansen property to the Planning Board for public hearing and the Board recommendation.

Item # 8055 Action to consider a request from Mary McFarland to develop a contract zone for property located at 86 County Road (Tax Map 3, Lot 22.002). (Admin Spon.)

Proposed

Order #8055 Ordered, that the Town Council refer a request from Mary McFarland to develop a contract zone for property located at 86 County Road (Tax Map 3, Lot 22.002) with substantially similar requirements that are included in the proposed contract zone for the Hans Hansen property, to the Planning Board for public hearing and Board recommendation.

Item #8056 Action to consider the purchase of a wide area mower. (Adm. Spon.)

Proposed

Order #8056 Ordered, that the Town Council accept the bid of _____ for a wide area mower.

Item #8057 Action to consider authorizing an RFP to develop a communications tower on Fort Hill to replace the existing tower.. (Adm. Spon.)

- Proposed
Order #8057 Ordered, that the Town Council authorize staff to issue an RFP to develop a communications tower on Fort Hill to replace the existing tower.
- Item #8058 Action to consider developing an Ordinance to regulate the sale and use of fireworks. (Adm. Spon.)
- Proposed
Order #8058 Ordered, that the Town Council ask the Ordinance Committee to develop an Ordinance to regulate the sale and use of fireworks for the Council to consider.
- Item #8059 Action to consider accepting a grant to design the pedestrian trail from New Portland Road to Hutcherson Drive. (Adm. Spon.)
- Proposed
Order #8059 Ordered, that the Town Council accept a grant to design a pedestrian trail from New Portland Road to Hutcherson Drive with a 20% local match, and
- BE IT FURTHERED ORDERED, that the Town Council appropriate \$3,370.00 from the Contingency Account for the local match.
- Item #8060 Action to consider developing an ordinance to regulate medical marijuana dispensaries. (Adm. Spon.)
- Proposed
Order #8060 Ordered, that the Town Council forward a proposed Ordinance to regulate medical marijuana dispensaries to the Planning Board for public hearing and their recommendation, and
- BE IT FURTHERED ORDERED that said Ordinances shall have an effective date of September 6, 2011.
- Item #8061 Action to consider asking the Finance Committee to research the feasibility and cost of preserving the Town Monument located at the intersection of Church Street and School Street (Rt. 114) and to make a recommendation to the Town Council regarding their findings. (Councilor Gagnon Spon.)
- Proposed
Order #8061 Ordered, that the Town Council consider asking the Finance Committee to research the feasibility and cost of preserving the Town Monument located at the intersection of Church Street and School Street (Rt. 114) and to make a recommendation to the Town Council regarding their findings.
- Item #8062 Action to consider going into Executive Session pursuant to Title 36, MRSA, Section 841(2) for the purpose of considering an application for an abatement of taxes based on poverty. (Adm. Spon.)
- Proposed
Order #8062 Ordered, that the Town Council go into Executive Session pursuant to Title 36, MRSA, Section 841(2) for the purpose of considering an abatement of taxes based on poverty.