

ARTICLE #1- DISCHARGE OF FIREARMS ORDINANCE (#1)

SECTION 100. DISCHARGE OF FIREARMS PROHIBITED. No person shall discharge any rifle, pistol, or other firearm in the city limits of the City of Brewer within an area that is bounded as follows:

Beginning as a point on the Penobscot River where the extended center line of the Day Road, so called, intersects with said Penobscot River; thence in a generally southerly direction by and along said Day Road extension to the river and along the centerline of said Day Road to the centerline intersection of the Lambert Road; thence in a generally westerly direction by and along the centerline of said Lambert Road to the generally easterly bound of the Maine Electric Power Company, transmission line right-of-way (being Two Hundred(200) feet in width and further identified as containing two (2) sets of high voltage transmission lines and electrical standards); thence in a generally southwesterly direction by and along the generally easterly bound of said Maine Electric Power Company to the intersection with Felts Brook; thence following the thread of Felts Brook southerly to the intersection of the centerline of Wilson Street; thence in generally southeasterly direction along the centerline of Wilson Street to the intersection of the centerline of Wilson Street and the southerly bound of the Maine Central; thence in a generally southwesterly and then northwesterly direction by and along the generally southerly bound of the said Maine Central Railroad to the centerline of the Green Point Road; thence in a generally southerly direction by and along the said centerline of the said Green Point Road to the centerline intersection of Elm Street; thence in a generally westerly direction by and along the centerline of Elm Street to the centerline intersection of Mill street; thence in a generally southerly direction by and along said Mill street centerline to the town line between Brewer and Orrington; thence following the town line of Brewer along its points marking the separation between Orrington, Hampden, Bangor and Veazie to its intersection with the extension of the centerline of the Day Road, so called; thence southwesterly to the point of beginning. Meaning and intending to include all portions of the City of Brewer within the above described area. (#2) (#4)

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SECTION 100.1. Notwithstanding the foregoing, the Police Chief, or his designee, may authorize an individual or organization to discharge firearms in any area for a purpose not dangerous or harmful to individuals or properties. (#2)

SECTION 100.2. Possession of a firearm in the fields and forests or on the waters or ice in the aforementioned area of the City without a written permit issued by the Chief of Police, or his designee, shall be prima facia evidence of violation of this ordinance unless the firearm is carried securely wrapped in a complete cover, fastened in a case, or carried in at least two (2) separate pieces in such a manner that it cannot be fired unless the separate pieces are joined together again. (#2)

SECTION 100.3. No person, firm or corporation shall sell to any person under the age of Eighteen (18) years, any air rifle, air pistol, paintball gun, BB gun or similar device capable of discharging BB's, metal pellets or projectiles which may cause personal injury or property damage. No person under the age of Eighteen (18) years shall have in his possession while on public property or any public right-of-way, any air rifle, air pistol, BB gun or device as mentioned above. (#2)

SECTION 100.4 DISCHARGE OF FIREARMS RESTRICTED.

No person shall discharge any firearm except for shotguns, muzzle loader/black powder guns, revolvers or pistols in the city limits of the City of Brewer with an area that is bounded as follows:

Beginning at the centerline of the Lambert Road at a point on the bridge crossing Eaton Brook, said point being the intersection of the bridge and thread of Eaton Brook; thence in a generally westerly direction by and along the centerline of said Lambert Road to the generally easterly bound of the Maine Electric Power Company transmission line right-of-way, being two hundred (200) feet in width and further identified as containing two (2) sets of high voltage transmission lines and electrical standards; thence in a generally southwesterly direction by and along the generally easterly bound of said Maine Electric Power Company to the intersection with Felts Brook; thence following the thread of Felts Brook southerly to the intersection with the centerline of Wilson Street; thence in

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a generally southeasterly direction along the centerline of Wilson Street to the intersection with the Holden town line; thence generally northeasterly following the Holden town line to the intersection with Eaton Brook; thence following the thread of Eaton Brook, generally northerly to the bridge on Lambert Road also being the point of beginning. Within this area, and other open areas of the City, no person shall fire or discharge any gun, pistol or other firearms within five hundred (500) feet, measured at right angles of either side of the center line of any public way or within five hundred (500) feet of any dwelling or public business without written permission of the owner of that dwelling or business. (#2)(#4)

SECTION 100.4.1. This section shall not apply to the current owner, or their immediate family, of property located within the area described in Article 1, Section 100.4, of this Ordinance which the discharge of firearms will not violate any other provision of this Ordinance.

Whoever violates any section of this Ordinance shall be punished by a fine not to exceed One Hundred (\$100.00) dollars for each offense. (#2)

ARTICLE 2-DISCHARGE OF PAINTBALL GUN/DEVICE (#3)

SECTION 200 Purpose:

After having had the opportunity to review a demonstration of the discharge of paintball gun/device by the Brewer Police Department, testimony by citizens, and the recommendation of City staff, the City Council finds a paintball gun/device can cause injury to people or property and therefore constitutes a nuisance. Based upon the foregoing, it is the City Council's finding that the discharge of paintball gun/device in or around a dwelling unit and on public property within the limits of the City of Brewer should be regulated in order to protect the health, safety and public welfare of the citizens of the City of Brewer.

SECTION 201 Definition:

201.1 Paintball Gun/Device: A paintball gun/device is a gun/device designed or intended to expel a projectile containing paint, ink, or similar material, which can cause injury or damage property.

201.2 Dwelling Unit: A room or suit of rooms used as a habitation which is separate from other such rooms or suites of rooms, and which contains independent living, cooking, and sleeping facilities; includes single family houses, and the units in a duplex, apartment house, multifamily dwellings, and residential condominiums.

SECTION 202 Discharge Prohibited on Public Property:

No person shall discharge a paintball gun/device on any public property, including but not limited to public parks, public streets, playgrounds, open space, recreation facilities, or other public facilities.

SECTION 203 Discharge Prohibited Within Three Hundred (300') Feet of a Dwelling Unit Without permission:

No person shall discharge a paintball gun/device within three hundred (300') feet of a dwelling unit as measure from the nearest exterior wall, unless said person has permission from the owner or owners of the dwelling unit.

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SECTION 204 Enforcement:

This Article shall be enforced by an officer of the Brewer Police Department and/or the Code Enforcement Officer of the City of Brewer.

SECTION 205 Civil Penalty:

Upon the adjudicate of a violation of this Article by a person, the following civil penalties shall apply:

- 1) First Violation - \$100.00
- 2) Second Violation - \$250.00
- 3) Third Violation - \$500.00
- 4) Fourth & Subsequent Violations - \$1,000.00

SECTION 206 Injunction Relief

An officer of the Brewer Police Department and/or the Code Enforcement Officer of the City of Brewer may at any time seek a preliminary and/or permanent injunction against a person who violates this Article.

SECTION 207 Attorney Fees and Costs

In the event the City prosecutes any violation of this Article and the person is determined to have violated this Article, said person shall be liable for the City's reasonable attorney fees and costs.

END OF CHAPTER NOTATIONS

1. Enacted 03/08/05, Effective 03/13/05, 2005-C004
2. Enacted 09/13/05, Effective 09/18/05, 2005-C013
3. Enacted 10/16/07, Effective 10/21/07, 2007-C006
4. Enacted 04/18/08, Effective 04/13/08, 2008-C001