

Firearms Safety Ordinance



Town of York, Maine

Most Recently Amended: May 16, 2015

Prior Dates of Amendment: November 5, 2013

Date of Original Enactment: November 7, 2000

ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to amend this Ordinance: May 16, 2015.

Certified by the Town Clerk:

Mary Anne Spuminski
(signature)

on *June 19, 2015*
(date)

FIREARMS SAFETY ORDINANCE OF THE TOWN OF YORK, MAINE
As Amended on May 16, 2015
Adopted by the Town of York, November 7th, 2000

SECTION 1 – TITLE

This Ordinance shall be known as the Firearms Safety Ordinance of the Town of York, Maine.

SECTION 2 – PURPOSE

This Ordinance is enacted pursuant to Title 30-A MRSA § 3001 and the home rule authority of the Town in order to provide safety to the population and the property of the Town and to recognize responsible wildlife management.

SECTION 3 – DEFINITIONS

Firearm – “firearm” includes any instrument used in the propulsion of projectiles by action of gunpowder or gas exploded or released within it.

Rifle – a firearm designed to be fired from the shoulder; firing center fire fixed ammunition, propelling a single projectile through a rifled bore. Included in this definition of “rifle” are those firearms commonly known as .22 Rim Fire Magnums and firing .22 Rim Fire Magnum fixed ammunition.

SECTION 4 – REGULATIONS AND RESTRICTIONS

The following regulations and restrictions shall apply:

A. Restriction by Zone

Except as otherwise permitted by Paragraph 3, the discharge of firearms shall be geographically restricted as follows:

Zone A – No discharge of firearms.

Zone B – No Restrictions except for Rifles, which shall be restricted during the State of Maine open firearms season on deer.

Zone C – No restrictions.

The boundaries of all Zones shall be as defined on the “Firearms Safety Ordinance – York, Maine; Effective Date: November 5, 2013” and a “Detailed Firearms Discharge Map for the Lake Carolyn/Phillips Pond Area: November 5, 2013.” Written descriptions

of the zones are included in Appendix A, Zone Descriptions. In cases of conflict between the map and the written descriptions, the map shall prevail.

B. Proximity to Dwellings and Occupied Structures

It shall be unlawful for any person to discharge firearms of any kind or description in the Town of York within 100 yards of a dwelling or occupied structure or which causes the projectile(s) from such firearm to come within 100 yards of a dwelling or occupied structure without having received prior consent from the owner and/or occupants of said dwelling or occupied structure.

C. Exceptions

1. With prior written permission of the York Police Department, it shall be lawful to discharge a firearm for rodent/pest control in Zone A.
2. Landowners, and their dependants, residing in Zone B on 25 or more contiguous acres of agricultural, forested, or undeveloped land, are exempt from Section 4.A. of this Ordinance while on said land.
3. Nothing in this Ordinance shall be construed to prohibit the use of legal firearms when justified for the protection of human life or property.
4. This Ordinance shall not be construed to prohibit the discharge of firearms by duly authorized law enforcement officers in the proper exercise of their governmental duties.

SECTION 5 – INDIVIDUAL RESPONSIBILITY

While the Town of York and other entities provide awareness and educational materials, it remains the sole responsibility of the individual to fully familiarize him/her self with this Ordinance and to comply with its requirements.

SECTION 6 – PUBLIC NOTICE

Upon adoption, the York Selectmen shall make all reasonable efforts to assure that the public is made aware of the existence of this Ordinance. Signs shall be posted and maintained on roads entering the Town of York at or near the Town line; on Route 1, Route 103, Bartlett Road, Betty Welch Road, Frost Hill Road, Brixham Road, Route 91, Bell Marsh Road, Mountain Road, Ogunquit Road, Shore Road, Pine Hill Road, Clay Hill Road, Chases Pond Road near the Spur Road, and Route One north and south of the Spur Road.

SECTION 7 – ADMINISTRATION

A. Savings Clause

If any portion of this Ordinance is found to be invalid, it shall not affect the remainder of this Ordinance.

B. Enforcement

Enforcement shall be the responsibility of the York Police Department.

C. Amendment

This Ordinance may be amended following the procedures specified in the Town of York Home Rule Charter. Amendments shall become effective upon adoption unless otherwise specified on the ballot question.

SECTION 8 – VIOLATION AND PENALTIES

Any person who violates this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$250.00 for the second offense, and \$500.00 for the third and subsequent offenses. Each violation shall be considered a separate offense, and may be assessed whether or not the violation was willful. In addition to police officers, employees of the Town of York authorized to conduct inspections or investigations are hereby declared to be lawful enforcement officers authorized to issue or file citations for violations under this Ordinance.

SECTION 9 – WAIVER/PAYMENT OF FINES

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine, he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to have committed the offense in court, fines, applicable court fees, attorney's fees, and prosecution costs may apply.

Ordinance Adopted: November 7, 2000
Ordinance Amended: May 16, 2015
November 5, 2013

Appendix A Zone Descriptions

Zone A - NO DISCHARGE ZONE (HIGHLIGHTED IN RED ON MAP)

The “No Discharge Zone” includes all of the areas on the map highlighted in red. The northern boundary of the zone starts at the Atlantic Ocean and follows the northerly side of the Cape Neddick River west to its intersection with Shore Road then north to the intersection of River Road then west on River Road to RTE 1. The western boundary of the zone starts at the intersection of River Road and RTE 1 and proceeds south on RTE 1 to the Spur Road intersection where it then proceeds west to the intersection with RTE 95 (Maine Turnpike) and the Spur Road. The western boundary then proceeds south along RTE 95 to the York River. The southerly boundary starts at RTE 95 and follows the south side of the river east to its intersection with Seabury Road at Sewall’s Bridge. The boundary then follows Seabury Road east to the intersection of RTE 103 proceeds to Brave boat Harbor Road east to the intersection with Western Point Road and then proceeds east along the river’s south side to the Atlantic Ocean . The eastern boundary of this zone is the Atlantic Ocean. Additionally there is a “No Discharge Zone” established for the water bodies referred to as Phillips Pond and Lake Carolyn both located on Shore Road. This zone includes the water body and a buffer within 300 feet around those water bodies.

ZONE B - SHOTGUN ONLY (HIGHLIGHTED IN GREEN ON MAP)

The “Shotgun Only Zone” includes all of the areas highlighted in green on the map. There are several different areas of the Town included in this zone. The first section is located east of Shore Road to the Atlantic Ocean from its intersection with the Cape Neddick River north to Ogunquit line. This section also includes the area known as the Pine Mountain Subdivision. This subdivision is the area located west of Shore Road from the intersection of Shore Road west along Sylvan Circuit to Pine Mountain Road to the intersection with Shore Road (all area within these boundaries). Another section covers the area west of Route 95 from the Mountain Road overpass west to the intersection of Mountain Road then south along Chases Pond Road , Scituate Road and Bog Road to the intersection with Fall Mill Road. The boundary then travels west along Fall Mill Road to the intersection of Route 91 and then proceeds west on RTE 91 to the intersection of Scotland Bridge Road where it then travels south on Scotland Bridge Road to the York River. The last section encompasses an area west on RTE 1 between it and RTE 95 (Maine Turnpike) from the Spur Road north on RTE 1 to its intersection with Newtown Road. The boundary follows Newtown Road to the point where the road ends next to RTE 95 and includes all land east of RTE 95 from that point back along RTE 95 to the Spur Road intersection. The last section covers an area starting from the Atlantic Ocean south of the York River to the Kittery town line then west to the Eliot town line and then north along the Eliot town line to the York River.

ZONE C - UNRESTRICTED ZONE
(HIGHLIGHTED IN YELLOW ON MAP)

All areas within the Town of York highlighted in yellow on the map allow for unrestricted use of firearms.

ZONE D – SPECIAL EXCEPTIONS
(HIGHLIGHTED IN ORANGE ON MAP)

Several exceptions to the town’s firearms ordinance are areas under either state or federal law which are highlighted in orange. One would be the area of posted “State Game Preserve” land which prohibits hunting of any kind under state statute. This section includes the area east of RTE 95 from the Clay Hill Road overpass following the Josias River to the Ogunquit town line and then proceeding along that line back to RTE 95. The second area involves land under the control of the Rachel Carson National Wildlife Refuge which allows hunting under a special permit rule. This area is located between RTE 103 and Brave Boat Harbor Road and Raynes Neck Road extending to the Kittery line.