
Wendy J. Rawski, Town Clerk

THE FIREARMS SAFETY ORDINANCE FOR THE TOWN OF ELIOT

WHEREAS, the Inhabitants of the Town of Eliot are uniquely aware of and recognize the potential danger to persons and property that can result from the discharge of certain firearms within densely populated areas of the Town; and

WHEREAS, such potential dangers require the Town to adopt reasonable regulations governing the discharge of certain firearms in such densely populated areas in order to preserve and secure the general health, safety and welfare of persons and property therein; and

WHEREAS, to address the concern created by the discharge of certain firearms as aforesaid, the Inhabitants of the Town of Eliot are authorized by State Statute to enact municipal regulations in the form of a municipal ordinance regulating the discharge of certain within the Town of Eliot.

NOW, THEREFORE, the Inhabitants of the Town of Eliot hereby ordained by the Town of Eliot, Maine at Town Meeting that the following be enacted:

Section 1: That the Municipal Code of Ordinances; Town of Eliot, Maine is hereby amended by adding a Chapter to be numbered 60 which Chapter shall be titled Firearms.

Section 2: That the Municipal Code of Ordinances, Town of Eliot, Maine is hereby amended by adding to Chapter 60 Firearms an Article to be numbered I and to be titled "The Firearms Safety Ordinance for the Town of Eliot", which Article reads as follows:

Article I: The Firearms Safety Ordinance for the Town of Eliot

- 60-1. Title
- 60-2. Area of Regulations
- 60-3. Definition
- 60-4. Unlawful Dscharge
- 60-5. Hot Pursuit of Wounded Game
- 60-6. Penalty for Violation
- 60-7. Amendments
- 60-8. Enforcements

60-9. Public Notice of Ordinance

60-10. Separability

Section 60-1. **Title and Preamble.** This Ordinance shall be known as "The Firearms Safety Ordinance for the Town of Eliot". This Ordinance is a public safety measure, designed to supplement the existing state and federal regulations concerning the use of firearms.

Section 60-2. **Area of Regulation.** The area of regulation encompassed by this Ordinance shall include that portion of the Town of Eliot included within the following description: bounded on the southeast by the Eliot/Kittery town line from the shore of the Piscataqua River to the intersection of State Road, so-called; bounded easterly and northeasterly by the centerline of State Road, so-called, throughout its entire length, and the centerline of the Harold Dow Highway also known as Route 236 to its intersection with Route 101 so-called; thence bounded northerly along the centerline of the Old Dover Road, so-called (Route 101), to the Eliot/South Berwick town line; thence bounded northwesterly along the Eliot/South Berwick townline to the Piscataqua River; thence bounded westerly and southwesterly by the Piscataqua River.

Section 60-3. **Definitions.**

A. **Firearm.** Any weapon, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive and includes any such weapons commonly referred to as a pistol, revolver, rifle, gun, machine gun, or automatic rifle. Any weapon, which can be made into a firearm by the insertion of a firing pin, or other similar thing, or by repair, is a firearm.

B. **Shotgun** - A firearm, rifled or smoothbore, which uses shotshells, consisting of either a single projectile (slug) - with or without a sabot - or multiple smaller pellets.

C. **Muzzleloader** - A firearm that:

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

2. Is ignited by a matchlock, wheel lock, flintlock or caplock, including an in-line caplock or shotgun or rifle primer mechanism;
3. Has a rifled or smooth-bored barrel or barrels, each barrel capable of firing only a single charge;
4. Propels a ball, bullet or charge of shot; and
5. May have any type of sights, including scopes

A "muzzle-loading firearm" means a muzzleloader, a traditional muzzleloader or a muzzle-loading shotgun.

D. Rimfire firearms - A firearm which uses ammunition having its primer in the outer circumference of the cartridge base [.22 Long Rifle handguns and rifles are examples of rimfire firearms.]

Section 60-4. **Unlawful Discharge**

4a. Within the defined Restricted Area (see Section 2) the discharge of any firearm using centerfire metallic cartridge ammunition will not be permitted (except by law enforcement personnel in the performance of their official duties). The lawful discharge of shotguns, muzzleloading firearms, and rimfire firearms will be permitted.

4b. Unless a relevant state law or municipal ordinance provides otherwise, discharge of any firearm, [including shotguns, muzzleloading firearms, and rimfire firearms] within 100 yards of a building or residential dwelling without the permission of the owner or in the owner's absence, of an adult occupant of that building or dwelling authorized to act on behalf of the owner is prohibited.

Section 60-5. **Hot Pursuit of Wounded Game.** If any person legally wounds a wild animal outside the Area of Regulation as defined in Section 2 of this Ordinance, that person may pursue that animal into the Area of Regulation and kill the same with any firearm without violating this Ordinance provided, however, that authorization to pursue such wounded animal into the Area of Regulation shall first be obtained from the Eliot Police Department and not otherwise.

Section 60-6. **Penalty for Violation.** Violation of this Ordinance by any person shall constitute a civil violation and any person found to be in violation hereof shall be subject to a fine for the first such violation of not less than \$100.00 nor more than \$500.00. Any person who commits a second or more violations within any five (5) year period shall be subject to a fine of not less than \$250.00 nor more than \$500.00 for each such violation. All fines imposed herein shall accrue to the benefit of the Town of Eliot.

Section 60-7. **Amendments.** This Ordinance may be amended, revised or modified from time to time, by vote of the legislative body of the Town in the same manner in which it was adopted.

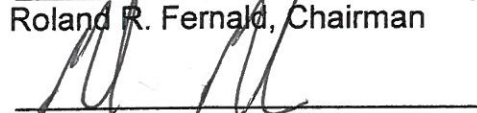
Section 60-8. **Enforcement.** This Ordinance shall be enforced by the Eliot Police Department and any other duly authorized state or county law enforcement officer.

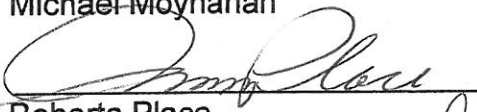
Section 60-9. **Public Notice of Ordinance.** Upon adoption, the Eliot Selectmen shall make all reasonable efforts to assure that notice of the existence of this Ordinance or a copy hereof be posted by signs on roads entering the Town of Eliot at or near the town line; on Routes 236, Route 103, Route 101, Beech Ridge Road, Frost Hill Road, and any other public way entering the Town of Eliot. Failure to comply to this section, however, shall not affect the validity of all other provisions of this Ordinance.

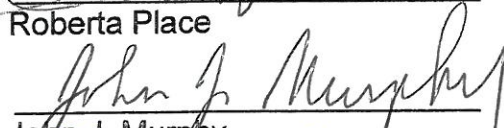
Section 60-10. **Separability.** In the event that any sections or portions thereof of this Ordinance shall be held invalid for any reason by a court of competent jurisdiction, such invalidity shall not affect the remaining sections or portions thereof of this Ordinance, which shall remain in full force and effect. To such end, the sections or portions thereof of this Ordinance are declared to be severable.

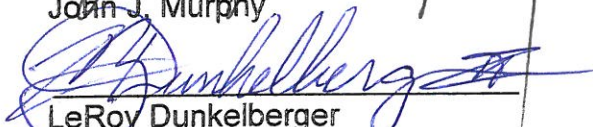
We, the undersigned, being the Municipal Officers of the Town of Eliot, Maine, hereby certify the foregoing Ordinance "The Firearms Safety Ordinance for the Town of Eliot" dated November 8, 2011 as being the Ordinance to be voted on at the November 8, 2011 Town Meeting.


Roland R. Fernald, Chairman


Michael Moynahan


Roberta Place


John J. Murphy


LeRoy Dunkelberger
Eliot Board of Selectmen

SIGNED : 9/15/2011

DATED : 11-8/11