

The Town of Hampden hereby ordains the following:

FIREARMS DISCHARGE ORDINANCE

Section 1. Purpose. This Ordinance is enacted for the purpose of promoting and protecting the health, safety and general welfare of residents and visitors of the Town of Hampden by prohibiting the discharge of firearms in certain areas.

Section 2. Discharge of Firearms Prohibited. No person shall fire or discharge, or cause to be fired or discharged, any firearm as defined herein, except as authorized in Section 3 and Section 4 herein, on or from any land or area located within the area bounded as follows: Beginning on the Penobscot River at the boundary line between the Town of Hampden and the City of Bangor; thence by and along said boundary line to the northwesterly line of Route #202; thence in a generally southwesterly direction by and along the northwesterly line of Route #202 to the northerly line of Route #9; thence in a generally westerly direction by and along the northerly line of Route #9 to the westerly line of the Bangor and Aroostook Railroad right-of-way; thence in a generally southerly direction by and along the westerly line of said right-of-way to the northerly line of the Kennebec Road; thence in a generally easterly direction by and along the northerly line of the Kennebec Road to the westerly line of Route #1A; thence in a generally southerly direction by and along the westerly line of Route #1A to a point thereon which intersects with an extension of the northerly line of Hopkins Road to the westerly line of Route #1A; thence in a generally easterly direction by and along said extension of the northerly line of the Hopkins Road and the northerly line of Hopkins road and any extension thereof to the Penobscot River; thence in a generally northeasterly direction by and along the Penobscot River to the point of beginning.

Section 3. Exception for Licensed Firing Range.

A. The prohibition the discharge of a firearm shall not apply to a firing range area licensed by the Chief of Police.

B. Before the Chief of Police may grant a license for a firing range area, the owner or operator thereof shall make an application for a license on forms to be provided by the Chief of Police. In addition, the owner or operator shall also submit a plan, drawn to scale, containing the following information:

1. Scale of the plan
2. Name of the applicant
3. Boundaries of the tract of land on which the firing range area is to be located.

4. Location of existing and proposed buildings and other structures, including use and proposed use thereof.
5. Location and use of buildings on abutting properties or situated within 600 feet of the property line of the tract of land on which the firing range area is to be located.
6. Location of existing and proposed screening, landscaping, or natural vegetation.
7. Construction details outlining the method and materials to be used in the construction of the firing range area.

C. Before the Chief of Police may grant a license for a firing range area, the Chief shall hold a public hearing on the application. At least ten (10) days in advance of said hearing, notice thereof shall be published in a local newspaper and shall be mailed to each landowner abutting the property on which the proposed firing range is to be located or situated within 600 feet thereof. Landowners shall be considered to be those against whom property taxes are assessed, and failure of any landowner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action of the Chief of Police. The applicant shall pay the application processing fee established by which costs shall be paid at the time of application.

D. Within thirty (30) days of the public hearing, the Chief of Police shall approve, approve with conditions, or disapprove the license for firing range area. The burden is on the applicant to demonstrate that the proposed area is designed and set up for the safe discharge of firearms so as to provide adequate protection in the form of a backstop and/or a proper field of fire, and so arranged so as to prevent any danger to neighboring property or persons. As a minimum, any firing range area shall be constructed and maintained in accordance with the following standards:

1. The backstop shall be constructed of wood materials with a thickness of at least 12 inches with an earthen barrier behind, or an earth barrier of suitable materials with no less than a 45 degree slope.
2. There shall be a natural obstruction of trees or terrain to the rear of the backstop.
3. The target area shall be placed no less than three feet from the top and sides of the backstop.
4. The range width to the target shall be no less than 15 feet for 50 yards, 25 feet for 100 yards, and 50 feet for 200 yards.

5. No range area shall be situated less than 100 yards from the nearest roadway or residence.
6. No range area shall be constructed, maintained, or operated in a manner which allows the projectile from a firearm to travel towards a roadway or residence.
7. No shooting shall be permitted in a range area except between the hours commencing one hour after sunrise and ending one hour before sunset. For the purposes herein, the time of sunrise and sunset shall be as established by the United States Weather Service for the date in question.

Section 4. Exceptions. The foregoing prohibition on the discharge of firearms shall not apply to the firing or discharge of firearms at any military exercise or review; nor to any military personnel or law enforcement officers in the performance of their duties or authorized training; nor to any person in the lawful defense of his person, family or property; nor to any person in protection of his property from destruction by animals.

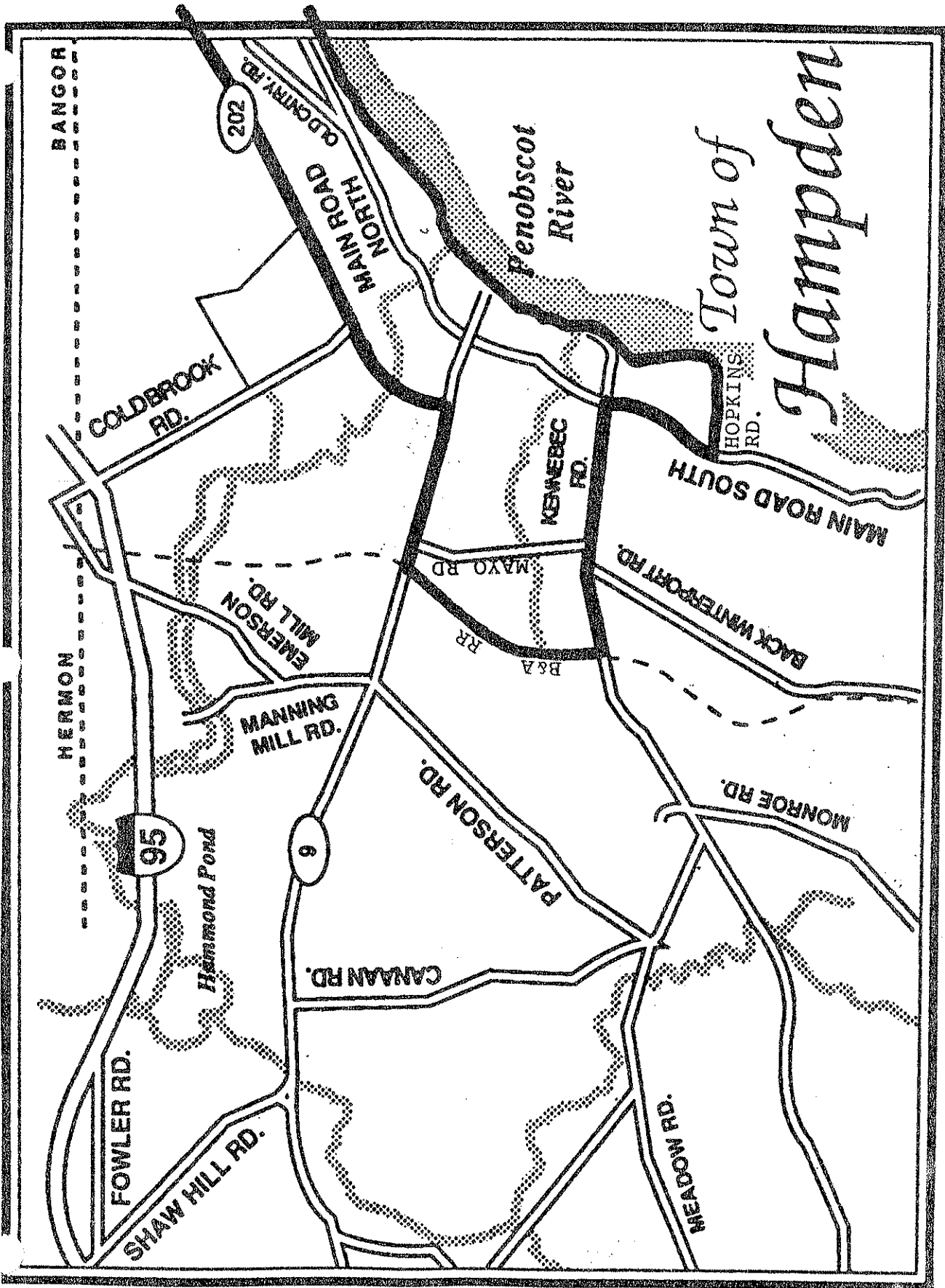
Section 5. Firearms Defined. The term "firearm" shall mean any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive or other propellant, and includes any such weapon commonly referred to as a pellet gun, pistol, revolver, rifle, gun, shot gun or the like.

Section 6. Penalty. Whoever violates any of the provisions of this Ordinance shall be punished by a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars, which fine shall inure to the benefit of the Town of Hampden. Each discharge shall be considered a separate offense.

Section 7. Separability. Should any provision of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the provision so declared to be invalid.

Adopted: August 7, 1989

Effective: September 5, 1989



FIREARMS ORDINANCE BOUNDARY LINE

BOLD BLACK LINE = BOUNDARY LINE