

BRIDGTON BOARD OF SELECTMEN'S MEETING AGENDA

DATE: Wednesday, January 5, 2022

TIME: 5:00 P.M.

PLACE: Downstairs Meeting Room, 10 Iredale Street, Suite 1, Bridgton

Please join the meeting from your computer, tablet or smartphone.

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1. Call to Order
2. Pledge of Allegiance
3. Workshop with Ordinance Review Committee
 - a. Dog Control Ordinance
 - b. Consumer Fireworks Use Ordinance
 - c. Curfew Ordinance
4. Adjourn

Town of Bridgton
Dog Control Ordinance

SECTION 1. ARTICLE 1 – PURPOSE

The purpose of this ordinance is to control dogs throughout the Town of Bridgton in the interest of health, safety, and general welfare of its residents.

SECTION 2. ARTICLE II – DEFINITIONS AS USED IN THIS ORDINANCE UNLESS THE CONTEXT OTHERWISE INDICATES

~~A. Dog shall mean both male and female whether neutered or not.~~

~~B. Owner shall mean any person, firm, association, or corporation owning, keeping, or harboring a dog.~~

~~C. At Large shall mean off the premises of the owner's property and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.~~

~~D. Dangerous Dog shall mean a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner's premises(,) to be put in apprehension of eminent bodily harm.~~

~~Section 2.1 – At Large shall mean off the premises of the owner's property and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.~~

Commented [1]: Alphabetical Order

~~Section 2.2 – Dangerous Dog shall mean a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner's premises(,) to be put in apprehension of imminent bodily harm.~~

~~Section 2.3 – Dog shall mean both male and female dogs or wolf-dog hybrids whether neutered or not.~~

~~Section 2.4 – Keeper shall mean a person in possession or control of a dog in accordance with Title 7 M. R.S. A. §3907 16.~~

~~Section 2.5 - Nuisance dog shall mean any dog that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf owner's or keeper's premises at the time of the injury; a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that causes damage to property or crops not owned by the dog owner or keeper while the dog is not on the owner's or keeper's premises in accordance with Title 7 M.R.S.A. §3907 20-A.~~

~~Section 2.6 – Owner shall mean any person, firm, association, or corporation owning, keeping, or harboring a dog.~~

SECTION 3. ARTICLE III – LICENSE REQUIRED

All dogs kept, harbored, or maintained by their respective owners in the Town of Bridgton shall be licensed and tagged in accordance with the appropriate laws of the State of Maine M.R.S.A § 3921. All license applications to the Town shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

SECTION 4. ~~DISTURBING THE PEACE~~ ARTICLE IV – RESPONSIBILITIES OF DOG OWNERS

Section 4.1 – It shall be unlawful for ~~anyone owning, possessing, or harboring a dog~~ **any dog owner and/or keeper** to cause or permit such dog to cause or permit such dog to disturb the peace of any person. Any owner ~~and/or~~ keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

Section 4.2 – It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing, or damaging the property of any person.

Section 4.5 – It shall be unlawful for any dog owner or keeper to cause or permit such dog to get into or open any garbage bags, bins, or other containers and/or to cause the garbage to be strewn in the immediate area. The dog owner or keeper shall be obligated to properly clean up the strewn garbage.

Section 4.6 – Any dog owner shall be responsible for failing to promptly remove and properly dispose of their dog's feces left on any sidewalk, street, beach, or publicly owned property or private property other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property.

Commented [2]: Combined Section 10 A/B

Section 4.7 – Sections 4.5 and 4.6 do not apply if it occurs on the property of the dog's owner or to a dog accompanying any handicapped person, who, by reason of his/her handicap, is physically unable to comply with the requirements of these sections.

Commented [3]: From Section 10

SECTION 5. ~~ARTICLE V – RUNNING AT LARGE~~ OFF PROPERTY

Section 5.1 All dogs must be on a leash and under control when off the owner's property while within the town limits of Bridgton.

Commented [4]: Dog officer suggestion, keep at large and leash close together

Section 5.2 It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

Commented [5]: Refer to State statute

SECTION 6. ~~ARTICLE VI – CONFINEMENT OF CERTAIN DOGS~~

~~A. It shall be unlawful for the owner or keeper of a female dog to cause or permit such dog to be beyond the owner's premises at any time while the dog is in heat unless such dog is restrained with a leash, cord, or chain which shall not be more than eight (8) feet long by the owner or agent.~~

Commented [6]: Redundancy from definition of owner

~~B. **Section 6.1** – Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious.~~

Commented [7]: Inconsistent with language used within this section!!! Keeper/agent

Commented [8]: Remove, replace with ALL dogs needing a leash off property, this is the current practice being enforced

Commented [9]: This doesn't address confinement???

Section 6.2 – Procedure regarding the complaints of dangerous dogs and the method of restraint, confinement, or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952-A and succeeding amendments.

SECTION 7. ~~ARTICLE VII – IMPOUNDING~~

Section 7.1 – Any Police Officer, Animal Control Officer, or Constable within the Town of Bridgton shall seize, impound, or restrain any dog violating this Ordinance or State law.

Commented [10]: Even nuisance dogs???

Section 7.2 – A dog found in violation of ~~Section 5~~ **Article V** shall be delivered to the owner when possible if the owner or keeper can be determined ~~(,)~~ and is readily available to take possession of the dog.

Section 7.3 – When a dog of known ownership is found in violation of ~~Section 5~~ **Article V** three (3) or more times in a six (6) month period, an Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the owner in accordance with ~~Section 8~~ **Article VIII**.

SECTION 8. ARTICLE VIII – IMPOUNDMENT

Section 8.1 – When impounding any dog, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the dog as can be reasonably ascertained.

Section 8.2 – A copy of ~~this registry~~ **a registry as described in Section 8.1** shall be furnished to a shelter designated by the Town of Bridgton with written instructions setting forth conditions under which the dog may be released.

Section 8.3 – When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall when possible, notify the owner ~~or keep if they~~ can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Bridgton or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

Section 8.4 – If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

SECTION 9. ARTICLE IX – IMPOUNDMENT FEES

Commented [11]: \$30 fee
Plus daily charge at discretion of the shelter

Section 9.1 – Owners may reclaim their dog by first licensing the dog, if applicable, according to Section 3 Article III, above, and by paying to the Town a fee for each offense as provided in the Town of Bridgton Uniform Fee Ordinance.

Section 9.2 – The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees shall be deposited by the Town in the separate account as required by 7 M.R.S.A., Section 3945.

SECTION 10. SANITATION REQUIREMENTS BY DOG OWNERS

A. Any person who, as defined by this Ordinance as an owner or a dog, shall be responsible for failing to promptly remove and properly dispose of their dog's feces left on any sidewalk, street, beach or publicly owned property or private property other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property.

B. A dog shall be considered a nuisance if it defecates on any public property or private property, other than the owner's or keeper's property and the owner and or the keeper shall be obligated to remove and properly dispose of such wastes promptly from any such public or private property.

C. A dog shall be considered a nuisance if it gets into or opens any garbage bags, bins or other containers and/or to cause the garbage to be strewn in the immediate area. The owner and or keeper of the dog shall be obligated to properly clean up the strewn garbage.

This section does not apply if it occurs on the property of the dog(s) owner or to a dog accompanying any handicapped person, who, by reason of his/her handicap, is physically unable to comply with the requirements of these sections.

SECTION 11. ARTICLE X – ENFORCEMENT

It shall be the duty of all Municipal Police Officers to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance. The officer shall have the authority to issue a summons in response to a violation of a provision of this Ordinance. Execution of the summons may lead to a fine.

SECTION 12. ARTICLE XI – PENALTIES

Section 10.1 – Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and liable to punishment by a fine not to exceed fifty dollars (\$50.00) for the first offense.

Section 10.2 – A second or subsequent offense shall result in a one hundred dollar (\$100.00) fine to the owner and or keeper of the dog(s).

Section 10.3 – Upon notification to the owner or keeper and the persistence of the violation, each day shall constitute a separate offense and subject the owner or keeper to the fine as stipulated for a second or subsequent offense for each day that violation exists.

SECTION 13. REPEAL OF CONFLICTING ORDINANCE

This Ordinance specifically repeals "The Control of Dogs Ordinance" enacted by the Town of Bridgton in March of 1973 and re-enacted with amendments on June 3, 1993.

SECTION 14. ARTICLE XII – SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 15. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

SECTION 16. EFFECTIVE DATE

This Ordinance shall be in full force and effect when enacted.

Commented [12]: Moved, combined under previous section 3 disturbing the peace renamed Nuisance dogs

Commented [13]: Increase – recommended by dog control officer, suggest addition of either Town summons or Civil summons
Creates funds for animal welfare – workshop on pet CPR,

Harrison: option of town or state summons for dog at large, first 50 then 100
Problem dog/nuisance first 25 then 50 then 100

Sebago: also has town or state
Abandonment – you leave, and you're not watching your pets or have anyone watching them (200-250, a judge would do over 1000)
Abuse – 500-1000
Problem/nuisance – 25 50 100

Suggestion that state laws are sufficient – abandonment/abuse is covered under state law – only reason to have a town law is a payment to the town/town summons

Abuse - Dogs in hot or cold cars, provide shelter, etc – commonly called in

Recommends to NOT exceed 200

Commented [14]: A fine not to exceed????

Commented [15]: Necessary???

Commented [16]: Why??????

Commented [17]: Necessary????

Town of Bridgton

Dog Control Ordinance

ARTICLE 1 – PURPOSE

The purpose of this ordinance is to control dogs throughout the Town of Bridgton in the interest of health, safety, and general welfare of its residents.

ARTICLE II – DEFINITIONS

Section 2.1 – **At Large** shall mean off the premises of the owner's property and not being under the control of any person by means of personal presence and attention, or ability to manipulate and command the conduct of the dog.

Section 2.2 – **Dangerous Dog** shall mean a dog which has bitten a person who was not a trespasser on the owner's premises at the time of the incident; or a dog which causes a reasonable person acting in a peaceable manner outside the owner's premises to be put in apprehension of imminent bodily harm.

Section 2.3 – **Dog** shall mean both male and female dogs or wolf-dog hybrids whether neutered or not.

Section 2.4 – **Keeper** shall mean a person in possession or control of a dog in accordance with Title 7 M. R.S. A. §3907 16.

Section 2.5 - **Nuisance dog** shall mean any dog that causes bodily injury, other than serious bodily injury, to an individual or a domesticated animal who is not trespassing on the dog or wolf owner's or keeper's premises at the time of the injury; a dog that causes a reasonable and prudent person who is not on the dog owner's or keeper's premises and is acting in a reasonable and nonaggressive manner to fear bodily injury, other than serious bodily injury, by assaulting or threatening to assault that individual or individual's domesticated animal; or a dog that causes damage to property or crops not owned by the dog owner or keeper while the dog is not on the owner's or keeper's premises in accordance with Title 7 M.R.S.A. §3907 20-A.

Section 2.6 – **Owner** shall mean any person, firm, association, or corporation owning, keeping, or harboring a dog.

ARTICLE III – LICENSE REQUIRED

All dogs kept, harbored, or maintained by their respective owners in the Town of Bridgton shall be licensed and tagged in accordance with the appropriate laws of the State of Maine M.R.S.A § 3921. All license applications to the Town shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

ARTICLE IV – RESPONSIBILITIES OF DOG OWNERS

Section 4.1 – It shall be unlawful for any dog owner and/or keeper to cause or permit such dog to cause or permit such dog to disturb the peace of any person. Any owner and/or keeper causing or permitting a dog to bark, howl, or yelp continuously for twenty (20) minutes or intermittently for one (1) hour or more shall be in violation of this section.

Section 4.2 – It shall be unlawful for any dog owner or keeper to cause or permit such dog to disturb the peace by biting, chasing, or damaging the property of any person.

Section 4.5 – It shall be unlawful for any dog owner or keeper to cause or permit such dog to get into or open any garbage bags, bins, or other containers and/or to cause the garbage to be strewn in the immediate area. The dog owner or keeper shall be obligated to properly clean up the strewn garbage.

Section 4.6 – Any dog owner shall be responsible for failing to promptly remove and properly dispose of their dog's feces left on any sidewalk, street, beach, or publicly owned property or private property other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property.

Section 4.7 – Sections 4.5 and 4.6 do not apply if it occurs on the property of the dog's owner or to a dog accompanying any handicapped person, who, by reason of his/her handicap, is physically unable to comply with the requirements of these sections.

ARTICLE V – OFF PROPERTY

Section 5.1 All dogs must be on a leash and under control when off the owner's property while within the town limits of Bridgton.

Section 5.2 It shall be unlawful for any dog, licensed or unlicensed, to run at large, except when used for hunting purposes.

ARTICLE VI – CONFINEMENT OF CERTAIN DOGS

Section 6.1 – Any person who is assaulted by a dog without provocation or any person witnessing an unprovoked assault against a person or domesticated animal may file a written complaint with a Police Officer or Animal Control Officer that the dog is dangerous or vicious.

Section 6.2 – Procedure regarding the complaints of dangerous dogs and the method of restraint, confinement, or disposal shall be prescribed and required by Maine Statutes Annotated, Title 7, Section 3952-A and succeeding amendments.

ARTICLE VII – IMPOUNDING

Section 7.1 – Any Police Officer, Animal Control Officer, or Constable within the Town of Bridgton shall seize, impound, or restrain any dog violating this Ordinance or State law.

Section 7.2 – A dog found in violation of Article V shall be delivered to the owner when possible if the owner or keeper can be determined and is readily available to take possession of the dog.

Section 7.3 – When a dog of known ownership is found in violation of Article V three (3) or more times in a six (6) month period, an Animal Control Officer or person acting in that capacity, may take the dog to the animal shelter and notify the owner in accordance with Article VIII.

ARTICLE VIII – IMPOUNDMENT

Section 8.1 – When impounding any dog, the Animal Control Officer or Police Officer shall at the time of such impoundment list a number and description of violation(s), make a complete registry of the date of impoundment, breed, color, sex, and general condition of the dog as can be reasonably ascertained.

Section 8.2 – A copy of a registry as described in Section 8.1 shall be furnished to a shelter designated by the Town of Bridgton with written instructions setting forth conditions under which the dog may be released.

Section 8.3 – When a dog is impounded under the provisions of this Article, the Animal Control Officer, Police Officer, or person in control of the Animal Shelter shall when possible, notify the owner ~~or keep~~ if they can be ascertained. Failure to give such notice shall in no way impose any liability upon the Town of Bridgton or its designated animal shelter for the destruction or transfer to another of any dog so impounded and not reclaimed.

Section 8.4 – If the owner does not claim the dog within six (6) days following impoundment then the animal shelter may dispose of the animal by adoption or otherwise in a proper and humane manner consistent with State laws.

ARTICLE IX – IMPOUNDMENT FEES

Section 9.1 – Owners may reclaim their dog by first licensing the dog, if applicable, according to Section 3 Article III, above, and by paying to the Town a fee for each offense as provided in the Town of Bridgton Uniform Fee Ordinance.

Section 9.2 – The owner will also be responsible for any additional costs incurred by the Animal Shelter prior to reclamation. Fees must be paid and a receipt of same presented to the shelter prior to the release of dog. All fees shall be deposited by the Town in the separate account as required by 7 M.R.S.A., Section 3945.

ARTICLE X – ENFORCEMENT

It shall be the duty of all Municipal Police Officers to enforce all the provisions of this Ordinance. Further, there shall be appointed an Animal Control Officer(s) who shall have the prime responsibility of enforcing this Ordinance. The officer shall have the authority to issue a summons in response to a violation of a provision of this Ordinance. Execution of the summons may lead to a fine.

ARTICLE XI – PENALTIES

Section 10.1 – Any person found in violation of any of the provisions of this Ordinance shall be guilty of a civil violation and liable to punishment by a fine not to exceed fifty dollars (\$50.00) for the first offense.

Section 10.2 – A second or subsequent offense shall result in a one hundred dollar (\$100.00) fine to the owner and ~~or keeper~~ of the dog(s).

Section 10.3 – Upon notification to the owner and the persistence of the violation, each day shall constitute a separate offense and subject the owner to the fine as stipulated for a second or subsequent offense for each day that violation exists.

ARTICLE XII – SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

SECTION 15. AMENDMENTS

This Ordinance may be amended by a majority vote of any legal Town Meeting when such amendment is published in the warrant calling for the meeting.

**TOWN OF BRIDGTON
CONSUMER FIREWORKS USE ORDINANCE**

ARTICLE I. PURPOSE

Section 1.1. - Purpose

The purpose of this ~~article~~ Ordinance is to regulate the ~~hours that use of~~ consumer fireworks ~~may be used~~ in the Town of Bridgton. This Ordinance does not regulate State permitted fireworks shows.

ARTICLE II. AUTHORITY

Section 2.1 - Authority

This Ordinance is adopted and hereafter amended pursuant to ~~and consistent with~~ 30-A M.R.S. § 3001 et seq. and Title 8 M.R.S.A. § 223-A(-2).

ARTICLE III. DEFINITIONS

Section 3.1-- Combustible Material

A Combustible Material is a solid or liquid that can be easily ignited and burned.

Section 3.2 - Consumer Fireworks

As used in this Ordinance, "Consumer Fireworks" means any fireworks authorized by the State of Maine for sale to the general public, as specifically defined in 8 M.R.S. § 221-A.

~~Section 3.2~~ --Weekend

As used in this Ordinance, the "Weekend" is the period from 5:00 P.M. Friday through 10:00 P.M. Sunday.

~~ARTICLE IV. TIME OF DAY THAT CONSUMER USE OF FIREWORKS MAY BE UTILIZED~~

Section 4.1 -- Age Requirement

No person under the age of 21 may sell, purchase, or use Consumer Fireworks.

Section 4.2 -- Day and Time of Use

A. Holiday Use - Consumer Ffireworks may be utilized-used between the hours of 9:00 A.M. and 12:30 A.M. the following day on the following-specific dates listed below:

1. The 4th of JulyJuly 4th
2. December 31st
3. The weekend-Fridays, Saturdays, and Sundays immediately before and after July 4th following the 4th day of JulyThe 31st of December
4. ~~When the 4th of July falls on a Monday, Consumer Fireworks may be used the preceding week-end.~~

B. Weekend Use – Except as provided in Section 4.2(A)(3), Consumer Fireworks may be used between the hours of 5:00 P.M. and 10:00 P.M. on Fridays, Saturdays, and Sundays.

Section 4.2

~~With the exception to Section 4.1, consumer fireworks may be used between the hours of 9:00 A.M. and 10:00 P.M. during daylight savings time. After the end of the daylight savings time, consumer fireworks may be used between 9:00 A.M. and 9:00 P.M.~~

Section 4.3 – Location

A. A person may use Consumer Fireworks only on that person's property or on the property of another person who has consented in writing to the use of Consumer Fireworks on that property. If the user is a tenant, written consent must be obtained from the landlord. The written permission-consent shall contain the name and contact information for the property owner and, as applicable, the landlord.

B. No person shall use, display, discharge, fire, or cause to be exploded Consumer Fireworks within 50 feet of any Combustible Material or within 1050 feet of any buildings or structures, with the exception of parking lots and temporary or permanent docks connected to the shoreland.

ARTICLE V. PENALTY

Section 5.1

In addition to any applicable penalties provided by 8 M.R.S. § 223-A, a violation of this Ordinance shall be a civil violation punishable by a fine of \$50-75 for the first offense, \$250-300 for the second offense, and \$500 for the third or subsequent offenses.

ARTICLE VI. ENFORCEMENT

Section 6.1

This Ordinance shall be enforced by the Town of Bridgton Police Department.

ARTICLE VII. EXCEPTIONS

Section 7.1

Pursuant to 8 M.R.S. § 227-B, this Ordinance does not regulate, restrict, prevent, or prohibit fireworks displays, as defined in 8 M.R.S. § 221-A, or the issuance of by a person(s) who has been issued a fireworks display permit pursuant to Title 8 M.R.S.A. § 227-A.

ARTICLE VIII. FILING

Section 8.1

The Town Clerk is ordered to provide to the State Fire Marshal a copy of this Ordinance within 60 days of its adoption or amendment.

Enacted: June 11, 2013

Amended: _____, 2021

**TOWN OF BRIDGTON
CONSUMER FIREWORKS USE ORDINANCE**

ARTICLE I. PURPOSE

Section 1.1. - Purpose

The purpose of this Ordinance is to regulate the use of consumer fireworks in the Town of Bridgton. This Ordinance does not regulate State permitted fireworks shows.

ARTICLE II. AUTHORITY

Section 2.1 - Authority

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 *et seq.* and 8 M.R.S. § 223-A(2).

ARTICLE III. DEFINITIONS

Section 3.1 - Combustible Material

A Combustible Material is a solid or liquid that can be easily ignited and burned.

Section 3.2 - Consumer Fireworks

As used in this Ordinance, "Consumer Fireworks" means any fireworks authorized by the State of Maine for sale to the general public, as specifically defined in 8 M.R.S. § 221-A.

ARTICLE IV. CONSUMER USE OF FIREWORKS

Section 4.1 – Age Requirement

No person under the age of 21 may sell, purchase, or use Consumer Fireworks.

Section 4.2 – Day and Time of Use

A. Holiday Use - Consumer Fireworks may be used between the hours of 9:00 A.M. and 12:30 A.M. the following day on the specific dates listed below:

1. July 4th
2. December 31st
3. The Fridays, Saturdays, and Sundays immediately before and after July 4th

B. Weekend Use – Except as provided in Section 4.2(A)(3), Consumer Fireworks may be used between the hours of 5:00 P.M. and 10:00 P.M. on Fridays, Saturdays, and Sundays.

Section 4.3 – Location

A. A person may use Consumer Fireworks only on that person's property or on the property of another person who has consented in writing to the use of Consumer Fireworks on that property. If the user is a tenant, written consent must be obtained from the landlord. The

written consent shall contain the name and contact information for the property owner and, as applicable, the landlord.

- B. No person shall use, display, discharge, fire, or cause to be exploded Consumer Fireworks within 50 feet of any Combustible Material or within 50 feet of any buildings or structures, with the exception of parking lots and temporary or permanent docks connected to the shoreland.

ARTICLE V. PENALTY

Section 5.1

In addition to any applicable penalties provided by 8 M.R.S. § 223-A, a violation of this Ordinance is a civil violation punishable by a fine of \$75 for the first offense, \$300 for the second offense, and \$500 for the third or subsequent offenses.

ARTICLE VI. ENFORCEMENT

Section 6.1

This Ordinance shall be enforced by the Town of Bridgton Police Department.

ARTICLE VII. EXCEPTIONS

Section 7.1

Pursuant to 8 M.R.S. § 227-B, this Ordinance does not regulate, restrict, prevent, or prohibit fireworks displays, as defined in 8 M.R.S. § 221-A, or the issuance of fireworks display permit pursuant to 8 M.R.S. § 227-A.

ARTICLE VIII. FILING

Section 8.1

The Town Clerk is ordered to provide to the State Fire Marshal a copy of this Ordinance within 60 days of its adoption or amendment.

Enacted: June 11, 2013

Amended: _____, 2021

Town of Bridgton

Curfew Ordinance

ARTICLE 1 – PURPOSE

This ordinance exists to impose a curfew for those under the age of eighteen in the interest of public health, safety, and welfare for all citizens.

~~WHEREAS, there has been an increase in juvenile violence and crime, and an increased presence of juvenile gang activity in the Town of Bridgton; and~~

~~WHEREAS, the Town of Bridgton is obligated to provide for: the protection of minors from each other and from other persons, the protection of the health, safety, and welfare of the general public, and the reduction of juvenile crime, violence and gang related activity in the Town; and~~

~~WHEREAS, a curfew for those under the age of eighteen will aid in the achievement of these goals, and will be in the interest of the public health, safety, and welfare;~~

~~NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF BRIDGTON:~~

~~Section 1. Title~~

~~This Ordinance shall be known and may be cited as the Curfew Ordinance of the Town of Bridgton, Maine.~~

ARTICLE II – ~~Section 2. DEFINITIONS~~

Section 2.1 – Curfew Hours means the hours from 11:01p.m. until 6:00a.m. of the following day.

Section 2.2 – Emergency means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

Section 2.3 – Guardian means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under (INSERT STATUTE)

Section 2.4 – Minor means any person who is ~~seventeen years of age or younger.~~ **under the age of eighteen.**

Section 2.5 – Parent means a person who is a natural parent, adoptive parent, or step-parent of the minor.

Section 2.6 – Public Place means a place located in the Town of Bridgton to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters.

Section 2.7 – Remain means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

- a. 1. For the first offense, a fine of \$50.00; and
- b. 2. For each subsequent offense, a fine of \$100.00

~~Section 7.~~ **ARTICLE VII – SEVERABILITY**

If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

Adopted 7/25/95

Town of Bridgton Curfew Ordinance

ARTICLE 1 – PURPOSE

This ordinance exists to impose a curfew for those under the age of eighteen in the interest of public health, safety, and welfare for all citizens.

ARTICLE II – DEFINITIONS

Section 2.1 – **Curfew Hours** means the hours from 11:01p.m. until 6:00a.m. of the following day.

Section 2.2 – **Emergency** means unforeseen circumstances, or the resulting situation, calling for immediate action. This includes, but is not limited to, fire, natural disaster, or vehicular accident, as well as any situation requiring action to avert serious injury or the loss of life.

Section 2.3 – **Guardian** means a person or a public or private agency who, either pursuant to court order or acceptance of testamentary appointment, is the legal guardian of the minor. This definition also includes a person to whom parental powers have been delegated under (INSERT STATUTE)

Section 2.4 – **Minor** means any person who is under the age of eighteen.

Section 2.5 – **Parent** means a person who is a natural parent, adoptive parent, or stepparent of the minor.

Section 2.6 – **Public Place** means a place located in the Town of Bridgton to which the public, or a substantial group of the public, has access, including, but not limited to, streets, highways, sidewalks, parking lots, vacant lots, parks, and the common areas in and about apartment buildings, office buildings, hospitals, schools, shops, and places of entertainment such as movie theaters.

Section 2.7 – **Remain** means to linger or stay, as well as to refuse to leave when requested to do so by a police officer, or the owner or other person in control of a public place. This term also encompasses activities which may be mobile, such as walking, driving, and riding about in a public place.

Section 2.8 – **Restorative Justice** is a way of addressing conflict and harm ...

~~Section 3.~~ ARTICLE III – OFFENSES

Section 3.1 – It shall be unlawful for a minor to remain in a public place during curfew hours.

Section 3.2 – It shall be unlawful for a parent or guardian of a minor to knowingly permit, or to allow by exercising insufficient control, the minor to remain in a public place during curfew hours.

~~Section 4.~~ ARTICLE IV – DEFENSES

It is a defense to prosecution under Article III of this Ordinance that the minor was:

- a. Accompanied by the minor's parent or guardian,

ARTICLE V – ENFORCEMENT

Before taking any action to enforce this Ordinance, a police officer shall ask the apparent offender's age. The officer may ask for proof of the apparent offender's age and shall be justified in taking action to ascertain the apparent offender's age in the absence of identification, such as taking the apparent

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offender into custody while contacting his or her parent or guardian, or accompanying the apparent offender to his or her residence for the purpose of obtaining identification.

If the apparent offender is a minor, or cannot produce identification proving otherwise immediately, the officer shall ask the reason for the apparent offender's being in a public place. The officer shall not take any action to enforce this section unless the officer reasonably believes that an offense has occurred and, based on any response as well as other circumstances, no defense provided in Article IV is applicable. If the officer does have such a reasonable belief, the officer may take the minor into custody for the purposes of contacting the minor's parent or guardian to come to take control of the minor. The police officer shall summon the minor and the minor's parent or guardian to the District Court for violation of this Ordinance. During this period, the officer may require the minor or

the minor's parent or guardian or both to remain in the officer's presence for a period of up to two hours, so long as the officer complies with all requirements of law, including, without limitation, (INSERT STATUTE)

ARTICLE VI – PENALTIES

Section 6.1 – The penalty for a minor who violates this Ordinance shall be determined in a meeting by the minor, their guardian or parent, and the officer adhering to the practice of restorative justice, and the minor shall be held subject to the agreed upon penalties. Such penalties may include a payment of money given from the offender to the victim, apologies and other amends, and other actions to compensate those affected and to prevent the offender from causing future harm.

Section 6.2 – The penalty for a parent or guardian who violates this ordinance ~~shall~~ may be:

- a. 1. For the first offense, a fine of \$50.00; and
- b. 2. For each subsequent offense, a fine of \$100.00

ARTICLE VII – SEVERABILITY

If any provision of this Ordinance is determined to be invalid by a court of competent jurisdiction, such determination shall not render invalid the remaining provisions.

Adopted 7/25/95

Proposed Updates 10/20/2021