

**CHAPTER 10  
PUBLIC SAFETY**

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**CHAPTER 10  
PUBLIC SAFETY**

**ARTICLE 1. WEAPONS**

**Section 10.01. Sale and Possession of Weapons, Definition**

(A) **Sale.** No person shall sell, rent or lease any weapon to any person under the age of sixteen (16) years.

(B) **Possession.** No person under the age of ten (10) years shall have in their possession any weapon. Persons between the age of ten (10) and sixteen (16) **may** have a weapon in their possession within the limits of the City Provided they are accompanied at all times by a parent or guardian.

(C) **Weapon.** Weapon shall be defined as any firearm, rifle, air gun, BB gun or any other gun projecting lead or any missiles, sling shot, bow and arrow, or any device that shoots dangerous projectiles.

**Section 10.02. Discharging Firearms and Other Dangerous Weapons.**

(A) Unlawful Discharge. It shall be unlawful to discharge any weapon within the City compact limits as defined by the Maine Department of Transportation.

(B) Exemptions. This Section shall not apply to the following circumstances:

- (1) Any officer of the law discharging a firearm in the performance of his duty.
- (2) Any citizen discharging a firearm when lawfully defending their life and/or personal property.
- (3) Any citizen lawfully hunting under the laws of the State of Maine. All hunting allowed within the corporate limits of the City of Bath, Maine, shall be by smooth bore firearm only, or by bow and arrow. The use of rifled barrels on a shotgun frame, or any other weapon which is designed for, and/or used for hunting which has a rifled barrel is prohibited.  
(6/30/93)
- (4) Tools normally used in construction trades by qualified tradesmen.

- (5) Public ceremonial occasions using non-lethal ammunition (blanks).

**Section 10.03. Penalties**

A person who violates any of the provisions of this Chapter, in addition to any penalties under State Law, shall be punished by a fine of not more than One Hundred Dollars (\$100.00). All penalties assessed under this Article shall be to the use and benefit of the City of Bath.

**ARTICLE 2  
OPERATION OF VESSELS REPLACED WITH  
CHAPTER 16 – HARBOR ORDINANCE 12-17-2014**

**ARTICLE 3  
SKATEBOARD ORDINANCE**

**Section 10-301. Purpose**

The purpose of this Ordinance is to regulate the use of skateboards within the City of Bath.

**Section 10-302. Prohibited Area. (6/04/03)**

The use of skateboards shall be prohibited in the following areas:

(a) Downtown Area bounded as follows:

On the south by Vine Street;  
On the east by Commercial Street Including the City Waterfront Park;  
On the north by Linden Street;  
On the west by Washington Street;

(b) The Edward J. McMann Outdoor Recreation Area including Kelley Field – McMann Field – Tainter Field – Legion Field – Tennis and Basketball Complex and all parking areas and access roads.

**Section 10-303. Use and Operation.**

It is recognized that a skateboard is not classified as a vehicle. As such, it is required to

yield the right of way to all motor vehicles, bicycles and pedestrians lawfully on the public way or sidewalk. Use and operation of a skateboard shall be subject to the following:

(a) Use and operation on a public way shall not obstruct or interfere with the use of the way by traffic or pedestrians.

(b) Use and operation on sidewalk areas and areas frequented by pedestrian traffic shall be in a manner not to interfere with, obstruct or endanger pedestrians.

(c) Use and operation shall not be permitted on private property without the consent of the property owner or person occupying the property.

(d) Use and operation shall not interfere with the use and enjoyment of any property, public or private, in any manner whatsoever.

(e) No skateboard may be used or operated in a manner which endangers the safety or well-being of any individual, including the user, nor shall use and operation be allowed which damages or poses a threat to damage property.

#### **Section 10.304. Penalties.**

Penalties for violations of Sections 2 and 3 above shall be as follows: (6/04/03)

(a) On the occasion of the first violation, the individual violator will be issued a written warning which shall contain the name and address of the violator, the nature of the violation, the location of the violation, and the officer or complaining witness who observed the violation. A copy of the notice of violation shall be sent to the parents, guardian, or adult responsible for the individual violator.

(b) On the second and subsequent violations, the skateboard shall be immediately confiscated by the police officer. A written notice of confiscation will be provided to the violator and a copy sent to the individual violator's parents, guardian, or adult responsible for that individual. The notice will contain all of those items listed in the warning notice in subparagraph (a) above and will contain a request that the parent, guardian, or responsible adult contact the officer issuing the confiscation notice to arrange for a time for a conference with the parent, guardian, or responsible adult, the individual violator, and the officer issuing the confiscation notice, to discuss the violation. Subsequent to that conference, the skateboard will be returned.

**ARTICLE 4. TOBACCO-FREE PARKS AND RECREATION FACILITIES  
(7-3-2013/12-7-2016)**

**Section 10.401. Title.**

This article shall be known as the “City of Bath Tobacco-Free Parks and Recreation Facilities Ordinance.”

**Section 10.402. Purpose.**

This ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the residents and visitors that use the City of Bath’s parks and outdoor recreation facilities. The purpose of this ordinance is to decrease exposure of individuals, and children in particular, to secondhand smoke or vapor and the associated detritus from the use of tobacco products, and/or vaping products and electronic nicotine delivery devices, as defined below.

**Section 10.403. Definitions.**

*Tobacco products* means cigarettes, cigars, pipes, snuff, dip, chewing tobacco, weed, plant, and any other forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking, or both for chewing and smoking.

*Vaping products* means an electronic nicotine delivery device intended to mimic tobacco and containing tobacco flavoring or delivering nicotine including, but not limited to, electronic nicotine delivery systems, e-cigarettes, e-cigars, e-hookahs, vape pen, or any other product name or description and includes any battery operated devices that are used to inhale a vaporized liquid solution that frequently contains nicotine and also contains additional ingredients that are suspected of being harmful to humans. This product does not include products specifically approved by the US Food and Drug Administration (FDA) for the purpose of cessation or nicotine replacement therapy. (12-7-2016)

**Section 10.404. Tobacco Product Use Prohibited.**

It shall be unlawful for any person to use tobacco products, or vaping products at any time, at or within twenty five (25) feet of all parks and outdoor recreation facilities owned and/or maintained by the City of Bath, including, but not limited to, the following:

Library Park  
Waterfront Park  
South End Park  
All City Boat Launch Facilities  
All City Trails and/or Easements  
McMann Field Complex, inclusive of all Facilities, Track, Tennis/Basketball Courts, and Fields  
Donnie Small Athletic Complex  
Varnum Field

There will be no designated areas in the aforementioned properties allocated for use of tobacco products.

**Section 10.405. Signage.**

The Parks and Recreation Department shall post signage notifying the public of the prohibition of tobacco product use at or near the parks and outdoor recreation facilities specified herein, as well as such other locations that, in its sole discretion, the Parks and Recreation Department deems necessary.

**Section 10.406. Privately Owned Property.**

Nothing in this ordinance shall prohibit smoking on privately owned property.

**Section 10.407. Enforcement.**

The City of Bath Police Department shall investigate and enforce the provisions contained in this ordinance. Nothing in this ordinance shall prevent the enforcement agent from obtaining voluntary compliance by way of warning, notice or education.

**Section 10.408. Penalties.**

Any person in violation of any provision of this ordinance shall be subject to a civil penalty and upon adjudication thereof shall be fined in the amount of one hundred dollars (\$100.00) for the first offense; two hundred fifty dollars (\$250.00) for a second offense; and five hundred (\$500.00) for each violation thereafter.

**ARTICLE 5. SPECIAL EVENTS ORDINANCE**

**Sec. 10-501. Purpose**

It is recognized that many special events enhance the quality of City life. It is further recognized that many types of special events seek to exercise citizens' Constitutional rights to assembly and free speech. The City finds that special events have the potential to create a hazard to the public health, peace, and safety. The process shall provide the City with notice of the pendency of a special event of significant size in order to protect the safety of those involved with the event and the public in general. It is the City's purpose, by this Article, to promote and permit safe special events while regulating the conduct of such special events in order to protect the public health, peace, and safety. This Ordinance is intended to establish a process for the consideration of requests to conduct special events which require the use and cost of City services.

### **Sec. 10-502. Definitions**

The following definitions shall apply to the terms used in this Article. Terms not defined herein shall have their customary and ordinary meanings.

- A. Special event shall mean any event for which the continued attendance is reasonably anticipated to be one hundred (100) or more persons which:
  - 1. Seeks to reserve any City owned or controlled property, including but not limited to streets, sidewalks, parks, parking areas or buildings, or,
  - 2. Is an event held on private property which will require an increased level of City services such as police service, fire service, trash removal, traffic, crowd control, or medical services, and has the potential to cause/create hazard to public safety if not regulated.
- B. Services shall mean any City provided service, including but not limited to traffic control, crowd control, trash removal, medical services, fire services, traffic control devices. (I.e. barricades and signage.)
- C. Standing. In order to submit an application for a special event, and to conduct that event, the applicant must demonstrate ownership, a leasehold interest, or written permission from the owner to use a particular site. This shall include the location of the special event and any areas providing support for the event.
- D. Operator. Operator means the person or entity responsible for staging and managing the special event. In the event that no operator exists, the owner or in the event of non-availability of the owner, the lessee of the ground encompassing the special event area and any support areas, shall be deemed to be the operator.

### **Sec. 10-503. Permits**

- A. Permit Required. No property owner shall permit on that owner's property, or otherwise conduct or permit on public property, a special event as defined in Section 10-502(A) unless a permit has been obtained in advance of the event from the City of Bath. Organizations may apply for a blanket permit for recurring events on locations that meet the criteria of this Section. (Permitting for Heritage Days activities shall continue to be provided by action of the Bath City Council.)



- B. Exemptions. Events which would be classified as special events, which constitute traditional types of special events that have occurred and been conducted in a manner so as not to endanger the health and wellbeing of the citizens, and which require minimal City services shall be exempt from this permitting requirement. By way of illustration only, they include such events as those organized or held by a Department or Agency of the United States, State of Maine, or City of Bath, or RSU1.

#### **Sec. 10-504 Application Submission Requirements**

- A. The application shall be in writing and on a form supplied by the City.
- B. Time Requirements. The application for a permit must be submitted no less than 30 days prior to the special event, unless the City Manager or his/her designee allows a shorter time frame for good cause shown.
- C. Applicants for a special event permit shall furnish to the City the following:
  - 1. Application form, providing, at a minimum:
    - a. Name and contact information of the applicant or operator if different
    - b. Description of the event, including its expected impact on the City, City services, residents, and businesses
    - c. Number of anticipated participants
    - d. Name and emergency contact information for the manager or operator of the special event
  - 2. Evidence of right, title, or interest by the applicant in the location of the special event and any areas providing support for the event
  - 3. Evidence in plan, text, or report form explaining and/or demonstrating how the event meets the applicable standards of Section 10-505
  - 4. Such plans, specifications, and reports as many be deemed necessary for a proper review of the proposed special event

- D. Additional Information. Staff processing the application may request such additional plans, specifications and reports as may be deemed necessary for a proper review of the application.

**Sec. 10-505 Approval Criteria**

- A. The burden of proof as to whether the standard is met is that of the applicant.
- B. The application must be approved and the permit issued if the City, using the review procedures in Section 10-507, determines that the applicant has demonstrated that the applicable standards of review have or will be met.
- C. Standards of Review
1. Adequate and satisfactory water supply and facilities
  2. Adequate refuse storage and disposal facilities
  3. Adequate medical facilities, supplies, care, and staffing availability
  4. Adequate fire and police protection
  5. Adequate transportation, mobility, and access for special event participants, general public, transit, and emergency services.
  6. Adequate sewer facilities
  7. Sanitary food service
  8. Appropriate sleeping area and facilities if necessary
  9. Adequate traffic control
  10. Such other matters as may be appropriate to the type of event and to provide for health and safety
  11. The applicant shall carry public liability insurance in an amount not less than \$1,000,000.00 per person for bodily injury and for property damage with the City to be named as an additional insured. The proof of insurance will be reviewed for adequacy by the City.

12. Adequate precautions to prevent public or private nuisances, as defined in State or local law, such as, but not limited to excessive noise.
13. Adequate precautions will be taken to control the use and consumption of alcoholic beverage.

**Sec. 10-506 Review Procedures**

- A. As soon as practical after determination of the application as being complete and that the applicant has standing, the City Clerk must forward the application and associated materials to the following for review:
  1. Police Chief
  2. Fire Chief
  3. Codes Enforcement Officer
  4. Public Works Director
  5. Parks and Recreation Director
- B. Upon receipt, reviewers shall review the application and make a determination on the application as to its compliance with the standards of review identified in Section 10-505(B). Determinations and any review comments shall be reported to the City Clerk.
- C. Once all reviewers have reported their findings to the City Clerk, the City Clerk shall:
  1. Approve the application
  2. Approve the applications with reasonable conditions
  3. Deny the application
- D. If denied, the applicant shall be provided in writing with the cause for such denial.
- E. Appeal process: The denial of a permit by the City of Bath may be appealed to the City Manager. The appeal must allow the City Manager a sufficient amount of time prior to

the scheduled event so as to process an appeal. If time permits, the Manager may schedule a meeting with the applicant, the Chief of Police, and any other Department Managers or advisors deemed necessary. The City Manager may:

1. Affirm the denial
2. Direct the issuance of the permit
3. Deny the permit pending the applicant's completion of certain steps, which if followed, will result in the permit being issued.

#### **Sec. 10-507 Permit fee; Costs of Services**

- A. A non-refundable administrative fee for processing an application under this article shall be \$25 dollars and shall be submitted at the time of the submission of the application.
- B. Costs. Any costs related to the staging and management of the special event, including, but not limited to costs for cleanup, crowd control, traffic control, medical personnel, public safety personnel, waste disposal, or cleanup and the like, will be assessed against the operator. This shall include costs for local law enforcement, and payment of all proper claims for damages to real or personal property. Where the costs are anticipated to be substantial, in excess of \$5,000.00, the permit may be conditioned upon the receipt of a deposit to be held by the City until all final costs are tabulated. If there is any balance in the deposit, that shall be refunded to the operator.

#### **Sec. 10-508 Law enforcement**

Nothing in this Section shall be deemed a waiver of the provisions of State Law or Local Ordinances which prohibit the sale, consumption, or vending of alcoholic beverages in certain locations. (Reference is made to City Ordinances Chapter 6, Cemeteries and Parks, Article 4, Park Areas—Prohibitions, Sect. 6-28, Park Areas—Prohibited Activities, Subsection J, Alcoholic Beverages, which allow alcoholic beverages in the Library and/or Waterfront Parks in connection with specific events.)

#### **Sec. 10-509 Victualers/vendors; alcoholic beverages**

A. No operator will permit, encourage or suffer any person, firm, business, family or corporation from selling or merchandising clothes, food, goods, second-hand merchandise, etc., at a special event unless that person, firm, business, family or corporation has secured a vendor or victualers license as required by the City.

B. Any vendor or victualer found at a special event without proper State and/or local licensing to so operate will be removed by the City from the special event, and the operator will be cited for violation of this chapter and for violation of any other applicable City Code and/or State laws . Local licenses may be waived in certain circumstances.

C. If the operator intends to sell or permit the sale of alcoholic beverages within the special event area during a special event, the operator shall restrict the time and location of such sale so that alcoholic beverages are sold only during the particular event and so that public safety and order will not be impaired. The operator shall comply fully with the laws of the State of Maine regulating the sale and consumption of alcoholic beverages, as well as with the City's Special Amusement Ordinance. No alcoholic beverages shall be sold at a special event after 10:00 p.m.

### **Sec. 10-510 Violations and penalties**

Any person or operator who violates any provision of this ordinance or any term of a permit issued pursuant to this chapter shall be subject to a civil penalty. It is a violation of this ordinance and deemed a nuisance herein to hold a special event within the City of Bath without a permit. Operator(s) found in violation of this chapter shall be subject to a fine of not to exceed a maximum of \$1,000, plus any and all costs of the City of Bath, including the Police and Fire Departments, incurred by the City to terminate the special event, safely disperse those in attendance and enforce this ordinance. Each violation shall be considered a separate offense, and each day a violation is allowed to exist shall be considered a separate offense. The provisions of this ordinance shall be enforced by the Chief of Police, the Codes Enforcement Officer, or such other municipal official or employee as the Chief of Police shall designate.

## **ARTICLE 6. Alarm System**

### **Section 10-62. Purpose and Definitions**

The purpose of this ordinance is to regulate police response to alarm systems as necessary for the promotion of the public health, safety, and welfare. This ordinance recognizes the need for regulation of the installation and use of alarm systems in order to assure compatibility of equipment with the facilities of the Bath Police headquarters, to avoid the use of improper

equipment, to assure adequate installation of equipment, to minimize false alarms, to provide a structure of service fees for false alarms, and to minimize other interference with the orderly conduct of the City's emergency services.

The following definitions shall apply to this ordinance:

Alarm System: Any mechanism or device designed for the detection of unauthorized entry upon property and when activated emits an audible, visual, telephonic, electronic or other signal.

False Alarm: False alarm is defined as any alarm signal which is not in response to an actual or attempted unauthorized entry upon property requiring an immediate Police response. "False Alarm" includes signals emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate Police response is not required, or by a malfunctioning alarm system. However, "False Alarm" does not include signals emitted by an alarm system activated by unusually severe weather conditions or other causes beyond the control of the alarm user. It shall be the burden of the alarm user to demonstrate to the satisfaction of the Chief of Police that an alarm signal was the result of such extraordinary cause.

#### **Section 10-63. Permit Required.**

No person shall install or operate an alarm system which automatically transmits a signal, message, or warning to the Bath Police Department without first obtaining a permit.

#### **Section 10-64. Application for Permit.**

An application for a permit to install, maintain, or operate an alarm system must be filed with the Bath Police Department on a form provided by the Department including but not limited to the name, address, and telephone number of the installer of the system, the owner of the premises on which the system will be installed and the lessee, if any, and a brief description of the system and the location it is to be installed.

All new applications for permits shall pay a one-time fee of **\$5.00** which is not refundable.

#### **Section 10-65. Terms of Permit**

The permit to install and operate an alarm system is valid for a period of five years from the date of approval, unless terminated at the request of the holder or revoked as provided in this ordinance. The permit may be renewed without charge at the request of the holder upon

expiration. A permit issued under this ordinance may not be transferred to another person or property.

**Section 10-66. Certain Information Confidential.**

All information provided by the permit holder related to the type and location of the alarm system shall be confidential.

**Section 10-67. Installation Guidelines.**

The Chief of Police may adopt necessary guidelines for the proper installation of equipment intended to connect an alarm system within the Bath Police Department headquarters.

**Section 10-68. Application Approved.**

The Chief of Police shall approve an application for a permit if he finds that the use of the alarm system will not interfere with the orderly conduct of City business and that the owner of the system agrees to adequately maintain it in order to assure its proper functioning and that the proposed system and method of installation are proper.

**Section 10-69. Revocation of Permit.**

The Chief of Police shall revoke any permit, after reasonable written notice to the permit holder and an opportunity to be heard, if he determines that the alarm system has been installed, maintained, or operated in violation of this ordinance, or that any condition of the permit has been violated or if the permit holder has failed to pay any service fee required, or to pay a fine within 30 days after written notice that such a fee or fine is payable.

**Section 10-70. Certain Systems Prohibited**

As of the effective date of this ordinance no person shall install, cause to be installed, operate, or maintain a telephonic (dialing alarm) which automatically transmits a signal, message or warning to the Bath Police Department or Bath Fire Department's telephone lines, except to such telephone number or numbers as designated by the permit. The cost of telephone lines for this purpose shall be paid by the permit holder.

**Section 10-71. Audible Alarm Systems**

No alarm user shall maintain any audible alarm system which sounds for more than fifteen (15) minutes when activated. However, in the case of any existing alarm system which in

fact sounds for more than fifteen (15) minutes when activated the alarm user or a designee shall respond within one hour of police notice to deactivate the system.

**Section 10-72. No Liability of City or Others**

Notwithstanding the payment of any fee or the issuance of any permit under this ordinance, the City of Bath is under no obligation whatsoever concerning the adequate operation, or maintenance of the alarm device so installed. The City of Bath, its agents, and its employees assume no liability whatsoever for any failure of such an alarm device or for the failure to respond to any such alarm, by any act of omission or commission. This ordinance shall not operate as a waiver of protection afforded the City under the Maine Tort Claims Act.

**Section 10-73. False Alarm Service Fees.**

Penalties: Any residence, business, or institution that are alarm users, who cause the transmission of a false alarm to the Bath Police Department either telephonically, outside audible, or through panel monitoring, shall pay a service fee of \$25.00 for each false alarm beyond a limit of four (4) in a calendar year.

**Section 10-74. Penalty**

Any person or organization who violates any provision of this ordinance shall be punished by a fine of not more than \$100.00.

**Section 10-75. Grace Period**

Alarm users will be exempt from penalties listed in ordinance for false alarms emitted from an alarm system within the first thirty (30) days from the date of its installation.

**Section 10-76. Severability**

If any provision of this ordinance is found to be invalid for any reason, the remaining provisions shall remain valid.

**ARTICLE 7. Fireworks (1/4/2012)**

**Section 10-701. Sale and Use of Consumer Fireworks.**

- (a) *Definitions.* The following definitions shall apply in this section:



- (1) *Consumer fireworks* shall have the same meaning as in 27 Code of Federal Regulations, Section 555.11 or subsequent provisions, but includes only products that are tested and certified by a 3<sup>rd</sup>-party testing laboratory as conforming with United States Consumer Product Safety Commission standards in accordance with 15 United State Code, Chapter 47. “Consumer fireworks” does not include the following products:
  - a. Missile-type rockets, as defined by the State Fire Marshal by rule;
  - b. Helicopters and aerial spinners, as defined by the State Fire Marshal by rule; and
  - c. Sky rockets and bottle rockets. For purposes of this paragraph, “sky rockets and bottle rockets” means cylindrical tubes containing not more than 20 grams of chemical composition, as defined by the State Fire Marshal by rule, with a wooden stick attached for guidance and stability, that rise into the air upon ignition and that may produce a burst of color or sound at or near the height of flight.
- (2) *Person* shall mean any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other organization.
- (3) *Display* means an entertainment feature where the public or a private group is admitted or permitted to view the display or discharge of fireworks or special effects.
  - (b) *Prohibition.* The use, discharge, ignition, sale, or offer for sale, of consumer fireworks in the City of Bath is prohibited.\*
  - (c) *Exception.* This section does not apply to a person issued a fireworks display permit by the City of Bath and/or the State of Maine pursuant to 8 M.R.S.A. § 227-A.
  - (d) *Penalties.*
- (1) Any person who uses, discharges or ignites consumer fireworks in the City of Bath shall be punished by a penalty of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) plus costs. For second and subsequent offenses, a penalty of not less than three hundred dollars (\$300.00)

and not more than six hundred dollars (\$600.00) per violation plus costs shall be imposed.

- (2) Any person who sells or offers for sale consumer fireworks in the City of Bath shall be punished by a penalty of not less than five hundred dollars (\$500.00) plus costs. For second and subsequent offenses, a penalty of not less than one thousand dollars (\$1,000.00) per violation plus costs shall be imposed.
- (3) Any penalty assessed under this Ordinance shall inure to the benefit of the City of Bath. In addition to any penalty, the City shall also recover any costs of prosecution of a violation of this Ordinance, including its reasonable attorney's fees.
- (e) *Seizure and disposal of fireworks.* The City may seize consumer fireworks that the City has probable cause to believe are used, offered for sale or sold in violation of this section. Upon conviction of the person from whom the fireworks were seized of violating this section with respect to those fireworks, the fireworks shall be forfeited to the City. Upon forfeiture, seized fireworks shall be forwarded to the State for disposal.

\* Editor's note: State law prohibits the sale and possession of all fireworks, with the exception of consumer fireworks, see 8 M.R.S.A. § 223. By prohibiting the sale and use of consumer fireworks, the City is effectively prohibiting the use of all fireworks in the City of Bath.