

**ARTICLE II. OFFENSES AGAINST PUBLIC PEACE\* \*Cross reference(s)--**

Dogs disturbing the peace, § 5-18; disorderly conduct

----- prohibited in cemeteries, § 7-132; noise while making excavations, § 25-133.

**State law reference(s)--**Offenses against public order, 17-A M.R.S.A. § 501 et seq.

**Sec. 17-15. Urination and defecation in public.**

(a) No person in the city shall urinate or defecate upon any sidewalk, street, public way or upon any public place or public property, or in immediate proximity thereto.

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(b) Whoever violates any of the provisions of this section shall be punished by a minimum fine of one hundred dollars (\$100.00) for the first offense; a minimum fine of three hundred dollars (\$300.00) for a second offense; and a minimum fine of five hundred dollars (\$500.00) for each and every offense thereafter. In any action in which the city prevails, it shall be entitled to attorneys' fees and all costs of prosecution. (Ord. No. 246-93, § 2, 3-22-93)

**Sec. 17-16. Curfew for minors under fifteen.**

No parent, legal guardian or other person having the care and control of a child under the age of fifteen (15) years shall permit such child to be or remain in or on any of the streets, ways or public places of the city after 9:00 p.m., unless such child shall be engaged in the performance of some lawfully authorized employment or shall be in the course of active travel over the streets, ways or public places between a specific point of origin and a specific destination or shall be accompanied by such parent, legal guardian or other adult person. (Code 1968, § 703.2)

**Sec. 17-17. Disorderly conduct.**

(a) No person shall, in a public place, intentionally or recklessly cause annoyance to others by intentionally engaging in fighting, without being licensed or privileged to do so.

(b) No person shall, in a private or public place, knowingly accost, insult, taunt or challenge any person with offensive, derisive or annoying words, or by gestures or other physical conduct, which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged.

(c) No person shall in, on, or adjacent to any of the streets, ways or public places, make, continue, or cause to be made or continued any loud, unnecessary or unusual noises which shall either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. The sounding of any horn or signalling device,

except as a danger warning; the playing of any radio, musical instrument, phonograph or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants and passers-by; the use of any loudspeaker or amplifier for the purpose of commercial advertising or attraction of the public to a

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specific building, location or business, yelling, shouting, hooting, whistling, or singing shall be considered to be loud, disturbing, and unnecessary noises, but such enumeration shall not be deemed exclusive.

(d) Whoever violates any of the provisions of this section shall be punished by a minimum fine of one hundred dollars (\$100.00) for a first offense; a minimum fine of three hundred dollars (\$300.00) for a second offense; and a minimum fine of five hundred dollars (\$500.00) for each and every offense thereafter. In any action in which the city prevails, it shall be entitled to attorneys' fees and all costs of prosecution. (Code 1968, § 703.3; Ord. No. 247-93, 3-22-93)

**State law reference(s)**--Disorderly conduct, 17-A M.R.S.A. § 501 et seq. **Sec. 17-18.**

**Construction activities.**

(a) Within the R-zones, from September 1<sup>st</sup> to May 31<sup>st</sup>, no person shall engage in construction activities generating noise exceeding fifty (50) decibels, between the hours of 7:00 p.m. and 7:00 a.m., of the following day within five hundred (500) feet of any building used for residential, hospital or nursing home purposes. From June 1<sup>st</sup> to August 31<sup>st</sup> construction activity may continue until 8:00 p.m. Any other language notwithstanding, no construction activity shall begin before 8:00 a.m. on a Saturday, Sunday or legal holiday.

(b) Construction activities shall include, but not be limited to, the following:

- (1) The use or operation of power or heavy equipment in connection with road, street, or bridge construction, reconstruction or repair;
- (2) The use or operation of power or heavy equipment in connection with the installation or repair of utility lines, pipes, wires or cables;
- (3) The use or operation of power or heavy equipment in connection with the construction of buildings, including specifically excavation for foundations or landscaping work of any kind;
- (4) The renovation, repair, remodeling or demolition of the exterior or foundation of any building or structure.

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(c) (1)

(2)

This section shall not apply in the following situations:

Emergency repair work on any utility line, pipe, wire or cable required to restore normal utility service;

Situations where the public works authority or the office of building inspections determines that the construction activity is of a unique character which cannot reasonably be completed or performed during the permitted hours and which is not of a recurring nature, provided that prior to engaging in such activity the contractor or his representatives gives notice of the time and scope of such proposed activity, the notice to be given in a manner approved by the public works authority.

(Code 1968, § 703.3A; Ord. No. 403-71, 8-16-71; Ord. No. 59-05/06, 10-17-05)