

Chapter 8 MORALS AND CONDUCT

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## ARTICLE 1. RULES AND REGULATIONS

### Sec. 8-1. Discharging firearms; location; permit; penalty.

It shall be unlawful for any person to discharge a firearm as defined in Title 17A M.R.S.A. Section 2, Paragraph 12A (definition attached) in the following areas of the Town of Winslow:

*Benton Avenue* from the intersection of the Winslow/Waterville Bridge WEST to the Kennebec River and NORTH to the urban compact line, at the Winslow/Benton town line. SOUTH on the east side of Benton Avenue to the intersection of the Heywood Road; EAST on the Heywood Road to the Sebasticook River to include the SOUTH side of the Heywood Road, to follow the WEST side of the Sebasticook River, Fifteen (15) feet from the normal high water mark, SOUTH to the WEST side of Mile Brook, the NORTH side of the Dunbar Road WEST to the intersection of the Augusta Road, to follow the WEST side to Chaffee Brook North side, WEST to the Kennebec River, east side, NORTH to the Winslow/Waterville bridge, except that it shall not be a violation of this ordinance to discharge a firearm under the following conditions:

- (1) In the protection of life.
- (2) Law enforcement officers in the performance of their duties.
- (3) An established firing range or educational program properly supervised.
- (4) Military functions, parades, funerals.
- (5) The killing of nuisance animals pursuant to Title 12 M.R.S.A., Sections 7501 and 7502, and pursuant to any Federal permits received by any landowner to kill nuisance birds or animals.

### **Severability**

If any provision or clause of this Ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application and to this end the provisions of this Ordinance are declared severable.

### **Penalty**

Any person or persons who violate this Ordinance shall be subject to a fine or civil penalty of not less than fifty dollars (\$50.00) nor more than two-hundred fifty dollars (\$250.00) and, notwithstanding any other penalty provisions provided by this section, the Town Council may institute any and all actions and proceedings, either legal or equitable, including seeking injunctions for violations and including the imposition of fines and civil penalties, damages, costs, expenses and attorney's fees that may be appropriate and necessary to enforce the provisions of this Ordinance in the Name of the Town of Winslow and/or to collect or enforce any damages or claims related thereto.

### **Definition of Title 17-A Section 12-A M.R.S.A.**

Firearm means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun, or shot gun. Any weapon which can be readily made into a fire arm by insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice is a firearm.

(Ord. No. 4-1990, 9-10-90; Ord. No. 1-1995,10-10-95)

**Sec. 8-2. Loitering prohibited; penalty; dispersal.**

- (a) No person shall stand idling or loitering upon any sidewalks or cross walk, or in or about the entrance to any public place of business or amusement, or opposite or in front of any premises on either side of any street, alley or lane, to the annoyance of the passers-by, or the owners or occupants of such places or premises.
- (b) If such person neglects or refuses to move off or disperse on the request of any police officer he shall be liable to a fine of not less than one dollar (\$1.00) nor more than twenty dollars (\$20.00), or to imprisonment in the county jail not exceeding thirty (30) days.
- (c) Any police officer shall have the power to remove and disperse such person after a request to move off or disperse.

(Town Warrant, Book 9, Art. 37, 3-15-49)

**Sec. 8-3. Dumping rubbish on street.**

No person shall sweep, place or deposit any dirt, soot, ashes, shavings, papers, hair, manure, shells, cans or any rubbish, offal or filth of any kind on any highway, street, sidewalk, court, passageway or public place.

(Town Warrant, Book 7, Art. 44, 3-8-20)

**Sec. 8-4. Abandoned refrigerators; penalty.\***

**\*State law reference(s)**--Abandoning refrigerators, 17 M.R.S.A., Sec. 3951.

- (a) No person shall abandon or discard any icebox or refrigerator unless the refrigerator or icebox is first stripped of any and all doors.
- (b) Any person violating this section shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00).

(Town Warrant, Book 10, Art. 99, 3-10-58)

**Sec. 8-5. Street closings for sliding.**

- (a) The Council shall at its discretion close any street for the purpose of sliding.
- (b) No person shall slide or coast on or upon the highway over Sand Hill and Fort Hill.

(Town Warrant, Book 7, Art. 7, 3-8-20 and Book 9, Art. 9, 3-8-54)

**Sec. 8-6. Driving vehicles on sidewalk.**

No person shall run, ride or drive any sled, bicycle or vehicle of any description other than a baby or invalids carriage or wheelchair on any sidewalk.

(Town Warrant, Book 7, Art. 43, 3-8-20)

**Sec. 8-7. Motion pictures on Sunday.\***

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\*State law reference(s)--Authority of town to permit Sunday showings of movies, 17  
M.R.S.A., Sec. 3207.  
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The exhibition of moving pictures on Sundays between the hours of 3:00 p.m. and 11:30 p.m. shall be permitted in accordance with state law.

(Town Warrant, Book 9, Art. 83, 3-13-50)

**Sec. 8-8. Curfew.**

The Council is authorized and empowered to establish a Curfew ordinance or by-law. The Council shall determine penalties, restrictions and time of operation. It was suggested that 9 P.M., standard time, the year round be used.

(Town Warrant, Book 8, Art. 37, Page 379)

**Sec. 8-9. Smoking prohibited at council sessions.**

- (a) No person shall smoke in any room where the Town Council is in official session.
- (b) Any person who refuses to extinguish a cigarette, cigar or pipe, or any other smoking apparatus, upon request of the Chairman of the Town Council shall be caused to leave or be removed by request to a Winslow Police Officer.

(Ord. 37-1974, 12-30-74)

**Sec. 8-10. Noise Control**

- a. Title

This ordinance shall be known as the "Town of Winslow Noise Control Ordinance".

b. Purpose

This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and quality of life of the citizens of Winslow through the reduction, control and prevention of excessive noise.

c. Definitions

Noise: Shall mean any sound produced by any means. The term shall not be construed as having any connotations of pleasantness or unpleasantness.

Noise Source: Shall mean anything capable of producing noise; the thing from which noise emanates.

Persons: Shall mean any individual, *firm*, partnership, association, syndicate, company, trust, corporation, agency, or political, administrative, or legal entity of any kind.

Place: Shall mean any place within the Town of Winslow, whether with structures or without.

d. Noise Prohibited

It shall be unlawful for a person(s) to produce, initiate, or to be the cause of the production of noise that is loud and unreasonable.

e. Enforcement

This ordinance shall be enforced by the Winslow Police Department.

Upon receiving a complaint, the Winslow Police Department shall initiate an investigation and shall take the appropriate action.

Civil Penalties: Any person in violation of this ordinance shall upon adjudication be assessed a civil penalty of not less than two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00) for each separate violation. The municipality shall be awarded attorney's fees and costs incurred in enforcing this ordinance.

f. Severability

Any provisions of the Zoning Ordinance or the Land Use Ordinance of the Town of Winslow which are more stringent than those set forth herein shall remain in force. If for any reason any word, clause, paragraph, or section of this ordinance shall be held unconstitutional, this ordinance shall not thereby be invalidated and the remainder of this ordinance shall continue in effect.

**Sec. 8-11. Penalty.**

Unless otherwise provided in this Chapter, any person violating this Chapter shall be fined not less than One Dollar (\$1.00) nor more than Five Dollars (\$5.00), exclusive of costs recoverable to the use of the Town.

(Town Warrant, Book 7, Art. 46, 3-8-20; Ord. No. 7-2001, 9-10-01)

