

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.*

*State law reference(s)--Authority of town to permit Sunday showings of movies, 17 M.R.S.A., Sec. 3207.

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) FINDINGS AND PURPOSE

The Winslow Town Council finds that controlling excessive noise as provided herein is necessary to promote the health, welfare, and safety of the citizens of the Town of Winslow. It is the purpose of this ordinance to prevent any person from making, continuing, or causing noise that unreasonably interferes with the comfort, health, or safety of others within the Town of Winslow.

(c) DEFINITIONS

Public place: shall mean a place to which the public at large or a substantial group has access, including but not limited to:

1. Public ways: public way means any public highway or sidewalk, private way laid out under authority of statute, way dedicated to public use, way upon which the public has a right of access or has access as invitees or licensees, or way under the control of parks and recreation authorities or a body having like powers;
2. Schools and government-owned custodial facilities; and
3. The lobbies, hallways or other common areas of apartment houses, hotels, public buildings and transportation terminals.

Private place: shall mean any place that is not a public place.

(d) PROHIBITION

1. It shall be unlawful for any person in a public place to intentionally or recklessly cause annoyance to others by intentionally making loud and

unreasonable noises after having been ordered by a law enforcement officer to cease the noise or similar such noises within the past 60 days.

2. It shall be unlawful for any person in a private place to make loud and unreasonable noise that can be heard by another person who is in a public place or in another private place after having been ordered by a law enforcement officer to cease the noise or similar such noise within the past 60 days.
3. For the purposes of this section, the term “noise” shall include, but is not limited to:
 - A. Sounds created by radios or other electronic or mechanical devices capable of amplifying or projecting ambient noise, including such devices operated within motor vehicles;
 - B. Sounds created in connection with use of vehicles or machinery between the hours of 10:00 p.m. and 6:00 a.m.

(e) EXCEPTIONS

The following are exempt from the provisions of “d” above:

1. Federal, state, and local governmental activities, whether conducted by the governmental agency or by a private contractor acting on the government agency’s behalf, including, but not limited to, activities of police, fire, rescue, schools, and public works;
2. Activities of utility agencies, including, but not limited to, vehicles and activities for the provision of water, electricity, telephone service, and sewer service; and
3. Public assemblies, parades, performances or athletic events for which a permit is required and has been issued by the Town of Winslow. Any such noise upon the issuance of such permit shall cease at the time as indicated on the permit.

(f) VIOLATIONS & PENALTIES

1. The police department shall be responsible for the administration and enforcement of this article, including but not limited to the following duties and responsibilities:
 - A. Investigation of complaints of unlawful noise;
 - B. Documentation of violations of this article;
 - C. Issuance of written warnings for violation of this article; and
 - D. Initiation and prosecution of legal proceedings to enforce the provisions of this article.

2. Any person who violates this Chapter shall, upon conviction, be fined a civil penalty of not less than \$100 and not more than \$500 for each separate violation, which penalty cannot be suspended. If the Town is the prevailing party to an enforcement action, it shall be awarded reasonable attorney's fees and associated costs.

(Town Warrant, Book 7, Art. 46, 3-8-20; Ord. No. 7-2001, 9-10-01; Ord. No. 1-2016, 2-8-16)