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CHAPTER 12 Miscellaneous Offenses

ARTICLE I Curfew Ordinance

Sec. 12-101 Short Title

This Article shall be known and may be cited as Curfew Ordinance.

Sec. 12-102 Purposes and Findings

This is an updating of the City of Rockland ordinance prescribing, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, effectively enforced, taught in the homes, internalized and adhered to for generations, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

1. Effect on Juvenile Delinquency. Rockland City Council finds that the curfew meets a very real local need, has been over the years a significant factor in minimizing juvenile delinquency and should be updated and amplified in the light of the City of Rockland's local situation and facts including the following.

2. Proper Time for Outdoor Activities. This community sense of the proper time for cessation of outdoor activities by minors on the streets is reflected in the curfew hours declared by this Article which takes into consideration also the danger hours for nocturnal crime and for accumulations of minors with potential risks incident to immaturity.

3. No Commercial Recreational Facilities. Commercial, recreational facilities for juveniles are almost nonexistent and there is little or nothing for minors to do outdoors, but roam the streets, after the curfew hours which this Article declares.

4. Parental Responsibility. Parental responsibility for the whereabouts of children is the norm, legal sanctions to enforce such responsibility have had a demonstrated effectiveness over the years, as parental control increases likelihood of juvenile delinquency decreases and there is a continuing need for the nocturnal curfew for minors which has achieved and will continue to achieve under local conditions the purposes hereinbefore stated.

Sec. 12-103 Definitions

For the purposes of the Curfew Ordinance the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the Plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory.

1. "City" is the City of Rockland, Knox County, Maine.

2. "Minor" is any person under the age of eighteen (18), or, in equivalent phrasing often herein employed, any person seventeen (17) or less years of age.

3. "Parent" is any person having legal custody of a minor (a) as a natural or adoptive parent, (b) as a legal guardian, (c) as a person who stands in loco parentis or (d) as a person to whom legal custody has been given by order of court.

4. "Remain" means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home. To implement that thought with additional precision and precaution, numerous exceptions are expressly defined in section 12-105 so that this is not a mere prohibitory or presence type curfew ordinance. More and more exceptions become available with increasing years and advancing maturity as appropriate in the interest of reasonable regulation which is intended by use of the meaningful phrase "be or remain" as relating to a curfew ordinance of the "remaining" type.

5. "Street" is a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right of way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right of way of a street. The term street applies irrespective of what it is called or formally named, whether alley, avenue, court, road or otherwise.

6. "Time of Night" referred to herein is based upon the prevailing standard of time, whether Eastern Standard Time or Eastern Daylight Saving Time, generally observed at that hour by the public in the City, prima facie the time then observed in the Rockland City Hall and police station.

7. "Year of Age" continues from one (1) birthday, such as the seventeenth (17th) to (but not including the day of) the next, such as the eighteenth (18th) birthday, making it clear that seventeen (17) or less years of age is herein treated as equivalent to the phrase "under eighteen (18) years of age," the latter phrase in practice, unfortunately, having confused a number of persons into the mistaken thought that eighteen (18) year olds might be involved. Similarly, for example, eleven (11) or less

years of age means "under twelve (12) years of age."

Sec. 12-104 Curfew for Minors

It shall be unlawful for any person seventeen (17) or less years of age [under eighteen (18)] to be or remain in or upon the streets within the City of Rockland at night during the period ending at 6:00 A.M. and beginning

1. at 10:30 P.M. for minors fourteen (14) or less years of age,
2. at 11:00 P.M. for minors fifteen (15) or more years of age. Eff: 4/8/87

Sec. 12-105 Exceptions

In the following exceptional cases a minor on a City street during the nocturnal hours for which Section 12-104 is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow citizens) shall not, however, be considered in violation of the Curfew Ordinance:

1. Parent. When accompanied by a parent of such minor.
2. Authorized Adult. When accompanied by an adult authorized by a parent of such minor to take the parent's place in accompanying the minor for a designated period of time and purpose within a specified area.
3. First Amendment Rights. When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech and the right of assembly. Such minor shall evidence the bona fides of such exercise by first delivering, to communications center personnel, at the Public Safety Building on 118 Park Street, where and by whom high priority messages to the Police Chief are regularly received, a written communication, signed by such minor and countersigned if practicable by a parent of such minor with their home address and telephone number, addressed to the Police Chief, specifying when, where and in what manner the minor will be on the streets at night (during hours when the Curfew Ordinance is otherwise applicable to the minor) in the exercise of a First Amendment right specified in such communication.
4. Reasonable Necessity. In case of reasonable necessity but only after such minor's parent has communicated to the City police station personnel the facts establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination. A copy of such communication, or of the police record thereof, duly certified by the Chief of Police to be correct, with an appropriate notation of the time it was received and of the names and address of such parent and minor, shall be admissible evidence.
5. Sidewalk Near Residence. When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next door neighbor not communicating an objection to the police officer.
6. Returning Home. When returning home, by a direct route from (and within thirty (30) minutes of the termination of) a school activity, or an activity of a religious or other voluntary association, of which prior notice, indicating the place and probable time of termination, has been given in writing to, and duly filed for immediate reference by, the Chief of Police or the officer assigned by him on duty at the police station, thus encouraging (here as in other exceptional situations) conduct on the part of minors involved in such activities and striking a fair balance for any somewhat conflicting interests.
7. Special Permit; Police Chief. When authorized by special permit from the Police Chief, carried on the person of the minor thus authorized, as follows: when necessary nighttime activities of a minor may be inadequately provided for by other provisions of this Article, then recourse may be had to the Police Chief, either for a regulation as provided in subsection (8) or for a special permit as the circumstances warrant. Upon the Police Chief's finding of necessity for the use of the streets to the extent warranted by a written application signed by a minor and by a parent of such minor if feasible stating (a) the name, age and address of such minor, (b) the name, address and telephone number of a parent thereof, (c) the height, weight, sex, color of eyes and hair and other physical characteristics of such minor, (d) the necessity which requires such minor to remain upon the streets during the curfew hours otherwise applicable, and (e) the street or route and the beginning and ending of the period of time involved by date and hour, the Police Chief may grant a permit in writing for the use by such minor of such streets at such hours as may be necessary. In an emergency this may be handled by telephone, or other effective communication, with a corresponding record being made contemporaneously, either to the Police Chief or if unavailable to the police officer authorized by the Police Chief to act on his behalf in an emergency, at the police station.
8. By Regulation. When authorized, by regulation issued by the Police Chief, in other similar cases of reasonable necessity, similarly handled but adapted to normal or necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis. Normally such regulation by the Police Chief or permitting use of the streets should be issued sufficiently in advance to permit appropriate publicity through news media and through other agencies such as the schools, and shall define the activity, the scope of the use of the streets permitted, the period of time involved not to extend more than thirty (30) minutes beyond the time for termination of such activity, and the reason for finding that such regulation is reasonably necessary and is consistent with the public interest and the purposes of this Curfew Ordinance.
9. Employment. When the minor carries a certified card of employment, renewable each calendar month when the current facts

so warrant, dated or re-issued not more than forty-five (45) days previously, signed by the Chief of Police and briefly identifying the minor, the address of his home and of his place of employment, and his hours of employment.

10. In Motor Vehicle. When the minor is, with parental consent, in a motor vehicle. This contemplates normal travel. From excess of caution, this clearly exempts bona fide interstate movement through Rockland, particularly on normal routes such as Route 1, Park Street, Main Street, Camden Street, Broadway, Alternate Route 1 and Route 17. This also exempts interstate travel beginning or ending in Rockland.

11. Additional Exceptions. Each of the foregoing exceptions, and their several limitations such as provisions for notification, are severable, as hereinafter provided but here reemphasized; and additional, also severable, exceptions, broadening with the progress toward maturity of minors enrolled respectively in elementary, junior high and high schools, will be considered by Council as warranted by future experience illuminated by the views of student government associations, school personnel, citizens, associations, and neighborhood spokesmen, parents, officers and persons in authority concerned positively with minors as well as with juvenile delinquency.

Sec. 12-106 Parental Responsibility

It shall be unlawful for a parent having legal custody of a minor, fourteen (14) or less years of age, knowingly to permit, or by inefficient control to allow such minor to be or remain upon any City street under circumstances not constituting an exception to, or otherwise beyond the scope of the Curfew Ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an objective test. It shall, a fortiori, be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor. Eff: 4/8/87

Sec. 12-107 Police Procedures

1. General. A policeman of the City, upon finding or have attention called to any minor on the streets in prima facia violation of the Curfew Ordinance, normally shall take the minor to the City Police Station, where a parent shall immediately be notified to come for such minor, whereupon they shall be interrogated. This is intended to permit ascertainment, under constitutional safeguards, of relevant facts, and to centralize responsibility in the sergeant there and then on duty for accurate, effective, fair, impartial and uniform enforcement, and recording, thus making available experienced supervisory personnel, the best of facilities and access to information and records. In the absence of convincing evidence such as a birth certificate, a policeman on the street shall in the first instance use his best judgement in determining age.

2. Refinement. Police procedures shall constantly be refined in the light of experience and may provide, inter alia, that the policeman may deliver to a parent or guardian thereof a minor under appropriate circumstances, for example a minor of tender age near home whose identity and address may readily be ascertained or are known.

3. Written Report. In any event such policeman shall within twenty-four (24) hours file a written report with the Chief of Police, or his/her designee. Eff: 10/14/15

4. Release of Minor. When a parent or guardian, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of such parent or guardian. If the parent or guardian cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will on behalf of the parent or guardian assume responsibility of caring for the minor pending the availability or arrival of a parent or guardian.

5. First Violation. In the case of a first violation by a minor the Chief of Police or his/her designee shall send by certified mail to, or cause in-hand service by any Police Officer on a parent or guardian, written notice of the violation with a warning that any subsequent violation will result in full enforcement of the Curfew Ordinance, including enforcement of parental responsibility and of applicable penalties. Eff: 10/14/15

Sec. 12-108 Penalties

Standards reflected in the Curfew Ordinance are hereby undergirded with the following legal sanctions.

1. Parent. If, after the warning notice pursuant to Section 12-107 of a first violation a minor fourteen (14) or less years of age, a parent violates Section 12-106 (in conjunction with a second violation by the minor), this shall be treated as a first offense by the parent. The fine for the first such offense by a parent of a minor fourteen (14) years of age or younger shall be twenty-five dollars (\$25), and for each subsequent offense the fine shall be increased by an additional twenty-five dollars (\$25); e.g. fifty dollars (\$50) for the second offense, seventy-five dollars (\$75) for the third offense, up to a maximum of one hundred dollars (\$100) for the fourth and each subsequent offense by the parent pursuant to paragraph 1 of this section, payable to the City of Rockland.

2. Juvenile. Fifteen (15) or more years of age. If, after the sending of the warning notice pursuant to Section 12-107 of a first violation, the juvenile commits a second violation, the juvenile shall be fined twenty-five dollars (\$25) and for each subsequent offense the fine shall be increased by an additional twenty-five dollars (\$25); e.g. fifty dollars (\$50) for the second offense, seventy-five dollars (\$75) for the third offense, up to a maximum of one hundred dollars (\$100) for the fourth and each subsequent offense by the juvenile pursuant to paragraph 2 of this section, payable to the City of Rockland. The Court may suspend part or all of the fine provided for in this section, and require the juvenile to participate instead in a supervised work or service program if:

- (1) the juvenile is not deprived of the schooling which is appropriate to his age and needs; and
- (2) the supervised work or service program is appropriate to the age level and physical ability of the juvenile.

If the juvenile does not timely complete the work or service program as ordered by the Court, the suspended portion of the fine shall also be payable to the City. Eff: 12/8/93

Sec. 12-109 Construction

Severability is intended throughout and within the provisions of the Curfew Ordinance. If any provision, including inter alia any exception, part, phrase or term, or the application thereof to any person or circumstance is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. From excess of caution, the Police Chief is authorized to give advisory opinions, in writing or immediately reduced to writing, which shall be binding, and shall be adhered to by the police, until the Article is amended in such respect, interpreting terms, phrases, parts or any provisions. Normally such advisory opinions shall be in response to good faith, signed letters addressed to him at the Public Safety Building, questioning as (1) ambiguous, (2) as having a potentially chilling effect on constitutional rights specifically invoked, or (3) as otherwise invalid, in all three (3) categories with respect to proposed conduct definitely described. This administrative remedy must be exhausted prior to presenting to any court a question in any of the three (3) categories. The City Council does not intend a result that is absurd, impossible of execution or unreasonable. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any where its application would be unconstitutional. A constitutional construction is intended and shall be given. The City Council does not intend to violate the Constitution of the State of Maine or the Constitution of the United States of America.

Sec. 12-110 Continuing Evaluation

The City Council will continue its evaluation and updating of the Curfew Ordinance.

1. Reports to Council. Accordingly, there shall be compiled and informally reported to the City Council through effective channels (such as the normal monthly distribution by the City Manager and City Clerk, to each Councilman, the City Manager and the City Attorney, of noteworthy material) all exceptional cases hereunder of reasonable necessity, the notices of school and other activities, the Police Chief's special permits and the Police Chief's regulations hereinbefore authorized, and the Police Chief's advisory opinions, for consideration by the appropriate committee and by the City Council in further updating and continuing evaluation of the Curfew Ordinance.

2. Volunteer Programs. For the same reasons, as well as for the implementation beyond these legal aspects of the basic purposes hereof, the City Manager and relevant committees of the City Council through their respective chairmen in coordinated efforts shall work with existing, and may organize, voluntary groups, and shall stimulate volunteer leadership, in programs of research and of action dealing constructively on neighborhood and local bases, with juvenile delinquency, and the prevention, control or containment thereof, in all its ramifications and with practicable steps toward the good life, and a better life, for minors seventeen (17) or less years of age, and with the working of the Curfew Ordinance, community-wise and in individual cases, as one much needed legal tool toward that end as well as for continuing present protection of minors and of other persons, and of property and other interests, important to the welfare of the people of the City of Rockland.

State Law Reference: 30-A M.R.S. §§ 2101-2109, 3009.

ARTICLE II Loitering

Sec. 12-201 Definitions

1. "Begging" shall mean the solicitation of money or other valuable consideration without giving consideration in return.
2. "Loitering" shall mean remaining in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; and to stand around.
3. "Public Place" shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the

front or immediate area of any store, shop, restaurant, tavern or other place of business and also public streets, ways, grounds, areas or parks.

Sec. 12-202 Loitering Prohibited

It shall be unlawful for any person to loiter either along and/or in consort with others in a public place in such manner so as to:

1. Obstructing Traffic. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
2. Interference with Business or Property Use. Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress and egress, and regress therein, thereon, and thereto.

Sec. 12-203 Violation

When any person causes or commits any of the conditions enumerated in Section 12-202(1) and (2), a police officer or any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disburse. Any person who fails or refuses to obey such orders shall be guilty of a violation of that section.

Sec. 12-204 Panhandling

1. Begging Prohibited. It shall be unlawful for any person to loiter either for the purpose of begging or to beg either alone and or in consort with others in a public place.
2. Exceptions. The provisions of this section shall not apply to any organization or society that is organized and operated exclusively for religious, educational, philanthropic, benevolent, fraternal, charitable, or reformatory purposes, not operated for pecuniary profit, where no part of the net earnings of which inures to the benefit of any person, private shareholder or individual and provided that any person conducting such solicitation is duly identified as being the authorized agent of such organization or society.

Sec. 12-205 Penalty

Any person found guilty of a violation of Sections 12-202 and 12-204 shall be subject to a penalty of not less than twenty dollars (\$20) and not more than one hundred dollars (\$100) for each and every offense, or by imprisonment for not more than five (5) days, or by both. The imposition of a penalty for violation shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, or within such time limit as may be specified in any notice given to the owner or occupant of the premises by the City Manager, and each day such violation continues to exist following the expiration of the time limit specified in any such notice shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions, nor preclude the City Attorney from causing to be instituted an appropriate action to prevent, restrain, correct or abate any violation of those sections.

State Law Reference: 17-A M.R.S. §§ 501-A-505; 9 M.R.S. § 5001 et seq.

**ARTICLE III False Public Alarm
or Report**

Sec. 12-301 False Alarm Prohibited

It shall be unlawful for any person to report the existence of a fire or other emergency to the police, fire department, or any other agency empowered to deal with an emergency when such person knows the report to be false. This Article shall include ambulance calls.

Sec. 12-302 Penalty

Any person, firm or corporation violating any provision of this Article shall be fined not less than five dollars (\$5) nor more than five hundred dollars (\$500) for each offense; and a separate offense shall be deemed committed on each day during or on which an offense occurs or continues.

State Law Reference: 17-A M.R.S. § 509.

ARTICLE IV Posting Restrictions

Sec. 12-401 Public Property

No person shall attach, place, paint, write, stamp, paste or otherwise affix any sign, advertisement or other matter upon any electric light or public utilities pole; tree or fire hydrant; or on any bridge, pavement, sidewalk or crosswalk, public building, or any property or thing belonging to the City or located in the public streets or other public places without first applying to the City Council and obtaining from it a resolution permitting such use of public property, which resolution shall permit such use for a period of time not to exceed thirty (30) days. This Section shall not be construed to prevent any public official affixing any sign or other matter to public property for any public purpose. Eff: 12/13/89

Sec. 12-402 Private Property

No person shall attach, place, paint, write, stamp, paste, or otherwise affix any sign, advertisement or other matter upon any house, wall, fence, gate, post or tree without first having obtained the written permission of the owner, agent or occupant of the premises.

Sec. 12-403 Penalty

The penalty for violation of any provision of this Article shall be not less than three dollars (\$3) and not more than twenty dollars (\$20).

State Law Reference: 17-A M.R.S. §§ 507, 805, 806.

ARTICLE V Handbills, Stickers, Dodgers, Samples, Etc.

Sec. 12-501 Public Property

No person shall distribute, throw, drop, or scatter in any street or public place any posters, handbills, cards, samples of medicines, drugs or pills or other samples, or other matter used for the purpose of advertising, in such a manner as to result in the littering of any street or public place.

Sec. 12-502 Private Property

No person shall distribute handbills, cards, samples of medicines, drugs, or pills or other samples, or other advertising matter on private property in such a manner as to cause the littering of any street or public place or any private property not his own.

Sec. 12-503 Motor Vehicles

No person shall attach any advertising material of any kind, such as handbills, cards or papers, to the door handle, windshield, windshield wiper, or any portion of any motor vehicle parked or standing in any street or public place, nor shall any person deposit any such material or samples of any kind, within or upon any such vehicle so parked or standing.

Sec. 12-504 Hours

No person shall go about the streets or other public places for the purpose of distributing any poster, handbills, cards, samples of any kind, or other matter used for the purpose of advertising after the time of sunset and before the time of the following sunrise.

Sec. 12-505 Penalty

The penalty for violation of any provision of this Article shall be not less than three dollars (\$3) and not more than twenty dollars (\$20).

State Law Reference: 17 M.R.S. § 2261 et seq.

ARTICLE VI Firearms

Sec. 12-601 Discharge of Firearms Within City Limits; Exceptions

No person, except a police officer in the performance of his duties shall without a permit from the Police Chief discharge any firearm within the City limits, except (1) at military exercises, funerals or reviews, (2) memorial events, (3) in proper defense of himself, his family and his property, (4) for the destruction of a dangerous animal, or (5) in areas in which the discharge of firearms is allowed as set forth in Ordinance Section 12-602, but only pursuant to, and in the seasons prescribed by, State fish and

game laws. Eff: 8/9/89

Sec. 12-602 Hunting

1. Discharge of Firearms allowed or permitted within the following area:

The area to the north and west of the following boundary lines: beginning at the intersection of the Thomaston town line and West Meadow Road, thence northerly along West Meadow Road to the intersection of West Meadow Road and Mountain Road, thence westerly along Mountain Road to the intersection of Mountain Road and Bog Road, thence northerly along the Bog Road to the Rockport town line.

2. Discharge of firearms restricted in all other areas.

3. Other Restrictions:

A. Achorn Cemetery: No discharge of firearms allowed.

B. Near Dwelling: No firearms will be discharged within Five Hundred (500) Yards of any dwelling.

C. State fish and game laws and safety regulations apply to persons discharging firearms in the permitted areas herein described. Eff: 8/9/89

Sec. 12-603 Penalty

Any person who violates Section 12-602(1), (2) and (3) of this Article shall be subject to a fine of not less than ten dollars (\$10) nor more than one hundred dollars (\$100), or by imprisonment for not more than thirty (30) days, or by both.

Any person found guilty of a violation of Section 12-601 shall be subject to a penalty of not less than twenty dollars (\$20) and not more than one hundred dollars (\$100) for each and every offense, or by imprisonment for not more than five (5) days, or by both. The imposition of a penalty for violation of that section shall not excuse the violation or permit it to continue; such violation shall be remedied within a reasonable time, or within such time limit as may be specified in any notice given to the owner or occupant of the premises by the City Manager, and each day such violation continues to exist following the expiration of the time limit specified in any such notice shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions, nor preclude the City Attorney from causing to be instituted an appropriate action to prevent, restrain, correct or abate any violation of that section.

State Law Reference: 12 M.R.S. § 11201-11227; 25 M.R.S. §§ 2001-A-2006.

ARTICLE VII Disorderly Properties (Eff: 03/13/13)

Sec. 12-701 Purpose; Findings.

The purpose of this Disorderly Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Rockland by reducing the recurrence of disorderly conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of citizens, and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct, and its impact, should be abated. This Disorderly Property Ordinance is required because other prohibitions and penalties under state law and the City's code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance and its occasional amendment is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City's Police Department.

Sec. 12-702 Definitions.

"Disorderly conduct" is any conduct that would have a tendency to disturb unreasonably the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are annoying outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; the arrest and conviction of tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law; other similar activities in the building or outside the building itself; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

A "disorderly property" is any property on which there is located a building that houses one or more dwelling units, or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations, at which property the police have found to have occurred, on five (5) or more occasions in any sixty (60)

day period, or ten (10) or more occasions in the preceding year, that the owner, a tenant, or a tenants' co-habitees, guests or invitees, or other occupants have engaged in disorderly conduct.

Sec. 12-703 Disorderly Properties Prohibited.

1. No person who has engaged in conduct that, in whole or in part, resulted in the Police Chief's designation of a property as a disorderly property shall continue to occupy as owner-occupant, or be allowed by the owner to occupy, such disorderly property.

2. The Police Chief shall have sole discretion in determining whether conduct is disorderly for the purposes of this ordinance, and whether a building constitutes a disorderly property..

Sec. 12-704 Administration; Notice.

1. The Police Department shall document and monitor the recurrence of disorderly conduct at residential buildings in the City.

2. Whenever there have been three (3) or more occurrences of disorderly conduct at a residential property in any sixty (60) day period, or ten (10) or more occurrences of disorderly conduct in the preceding year, the police department, or any other agent designated by the City Manager (hereinafter referred to as the "City") may notify an owner of such property of the circumstances of the said disorderly conduct, and the identity(ies) of its perpetrators, if known.

3. Whenever the Police Chief has declared a building to be a disorderly property, the City shall cause an owner of the property to be notified, in writing, of such declaration and of the events which form the basis for that designation. The notice shall require the owner to meet with representatives of the City, including the Police Chief or his designee(s) within five (5) business days from the date of the written notification to identify ways in which the problems which have been identified will be eliminated.

4. The notice(s) authorized or required herein shall be effective and deemed delivered upon the date such notice(s) are either (A) placed in the U.S. Mail as registered mail, return receipt requested, or (B) served in hand by a Rockland police officer or other person authorized to effect service of process, in conformance with the procedures for personal service set forth in Maine Rule of Civil Procedure 4(d). Service of notice on one owner shall be deemed to constitute notice to all owners.

5. At the time of the disorderly property meeting required under Subsection 12-704(3), the owner shall be obligated to provide to the city the following documentation:

1. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;
2. Copies of all leases with tenants residing in the building(s) on the property; and
3. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner will agree to take effective measures to address the disorderly property, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the City and shall be implemented within one (1) week of said meeting unless another date is agreed upon. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this code, and the City may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

If the same property should be classified as a disorderly property on a subsequent occasion, then the city is under no obligation to meet with the owner but may post the building(s) on the property or any units therein prohibiting occupancy, and/or proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law.

Sec. 12-705 Enforcement

If the owner (a) refuses to agree to take effective measures to address the disorderly property, (b) takes ineffective measures to address the disorderly property as determined by the City, (c) fails to implement the agreement reached with the City to address the disorderly property, or (d) if, in the discretion of the city, the disorderly property requires immediate posting, the City may post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws. The first violation of this ordinance will result in a \$100 fine being imposed against the owner. The second and all subsequent violations will result in a maximum fine of \$500.

Sec. 12-706 Cost of service for responses to disorderly properties

1. Whenever the police department is required to respond to a situation at a disorderly property, which constitutes the sixth (6th) or greater response in any one-hundred eighty (180) day period, the owner of the disorderly property shall pay the cost of service for each such response as follows: for each such response for service the owner shall pay seventy-five (\$75.00) dollars which shall be in addition to any penalty to which the owner may be subject. Charges which become payable hereunder shall be treated as liens on the property in question.

2. Failure to pay the cost of service within thirty (30) days after demand therefor shall subject the owner to a fine not less than seventy-five (\$75.00) dollars nor more than five hundred dollars (\$500.00) for each offense. Each act of violation and every day upon which any such violation shall occur shall constitute a separate offense.

ARTICLE VIII All-Terrain Vehicles

Sec. 12-801 Definitions

For the purposes of this ordinance, the terms "ATV", "All-terrain vehicle," and "operate" shall be defined as in Title 12, M.R.S. § 13001.

Sec. 12-802 Operation

(1) Operation of any ATV within the City of Rockland shall be subject to the provisions of Title 12, M.R.S. §§ 13157-A and 13158-A.

(2) No person shall operate an ATV on any public or private property within that area of the City east of Old County Road without the permission of the property owner.

Sec. 12-803 Enforcement

The provisions of this ordinance shall be enforced by the Police Department:

- (a) Upon the complaint of the owner or occupant of any property where a violation is alleged to have occurred, or
- (b) Upon observation of a possible violation on any land posted with signs prohibiting ATVs and expressly authorizing the police to enter the property for the purpose of enforcing this ordinance.

Sec. 12-804 Penalty

Violation of this ordinance shall be punishable by a fine of not less than twenty-five (25) dollars nor more than one hundred (100) dollars for each and every offense. Eff: 7/10/85 alc.

ARTICLE IX Fireworks

Sec. 12-901 Purpose

The purpose of this Article is to protect the public health, safety, and welfare by prohibiting the use of dangerous consumer fireworks and other ignited devices that pose a risk of starting uncontrolled fires, injuring persons, and damaging property.

Sec. 12-902 Definitions

For the purposes of this Article, the following words and phrases shall mean:

1. Consumer Fireworks. "Consumer Fireworks" shall have the same meaning as is set forth in Title 27, Code of Federal Regulations, Section 555.11, as amended. Consumer Fireworks shall include only those products that have been tested and certified by a third-party testing laboratory that conforms with United States Consumer Product Safety Commission standards established therefor pursuant to Title 15, United States Code, Chapter 47. Consumer Fireworks shall not include, as defined under Title 8, Maine Revised Statutes, Subsection 221-A(1-A) and/or by the rule duly promulgated by the Maine State Fire Marshall:

- A. Missile-type rockets;
- B. Helicopters and aerial spinners; or
- C. Sky rockets and bottle rockets.

2. Sky Lanterns. Sky lanterns are miniature, unmanned hot air balloons with an open fuel source that may be used to heat air and lift the lantern into the air.

Sec. 12-903 Use or Sale Prohibited.

No person may use or sell Consumer Fireworks, and no person may use or sell Sky Lanterns, in the City of Rockland.

State Law Ref.: 8 M.R.S. § 323-A(2).

Sec. 12-904 Penalty

A person who violates Section 12-902 commits a civil violation for which a fine of not less than \$250 and not more than \$500 for a first offense, or not less than \$500 and not more than \$1,000 for a second or subsequent offense, plus court costs, may be adjudged.

Eff: 12/14/11