

PUBLIC CONDUCT ORDINANCE

SEC. 1.1 PROHIBITED CONDUCT AND ACTS- The following acts undertaken within the Town of Vinalhaven, are hereby declared to be violations of this Ordinance, to wit:

SEC. 1.2 Yelling, shouting, hooting, whistling, singing, or the production of any other unnecessary noise so as to annoy or disturb the quiet, comfort or repose of any persons located within or upon the premises of any dwelling, hotel, or other type of residence or business establishment.

SEC. 1.3 Knowingly, intentionally, or unreasonably obstructing a public way, road, street or sidewalk is prohibited.

SEC. 1.4 The riding of bicycles, skate boards, or use of roller blades on sidewalks within the areas set forth in Exhibit A attached hereto, is prohibited.

SEC. 1.5 The playing, using or operating of any radio, receiving set, musical instrument, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, comfort or repose of any other persons in the vicinity with a volume louder than is necessary for the reasonably convenient hearing for the person or persons or voluntary listeners thereto who are in the immediately vicinity, vehicle or chamber in which such machine or device is operated.

SEC. 1.6 The sounding of any horn or signaling device for an unnecessary or unreasonable length of time or for a purpose not associated with the proper and legitimate signaling activity undertaken in conjunction with the operation of a motor vehicle.

SEC. 1.7 It shall be unlawful for any person to undertake within the Town of Vinalhaven any of the following acts or conduct within any public place, street or public way, sidewalk, or park open to the public.

SEC. 1.7.1 The consumption of any alcoholic beverage or possession of an open container containing alcoholic beverages.

SEC. 1.7.2 To be intoxicated on a public street, sidewalk, park or any public owned or controlled property. Public intoxication shall be defined as being under the influence of intoxicating liquors or drugs to such a degree as to cause ones' facilities to be impaired so as to cause said person to walk, motivate or undertake other activities in public, in such a manner as to cause any substantial danger or annoyance to any other person or member of the public or in such a manner to endanger his or her self or public or private property, or so as to obstruct a public sidewalk to public way.

SEC. 1.7.3. Undertaking, in a public place, words, gestures, or comments directed toward any person who is not a voluntary social companion of the speaker/actor which said words, gestures or comments are, in fact, intended for or to, or are, threatening, taunting, harassing, insulting or sexually suggestive comment or actions.

SEC. 1.8. Burden of Proof – In enforcing the provisions of this Ordinance, it is not necessary that the complainant should make a complaint or necessarily testify; in a proceeding to enforce the provisions of this Ordinance, if, from a preponderance of the evidence presented, a court of competent jurisdiction is convinced that a violation of this Ordinance has occurred or has taken place, taking into account the totality of the evidence presented.

SEC. 2.0 ENFORCEMENT PROCEDURE

SEC 2.1 Any violation of this Ordinance shall be a civil violation, which shall be prosecuted through the issuance of a civil summons by the Knox County Sheriff's Dept. in the same form and in the manner of prosecution as would be the case with a parking violation.

SEC. 2.2 For any first violation of this Ordinance by a minor, (17 and under) there shall be a certified letter sent to the parents notifying them of the infraction. First violation by an adult shall cause a certified letter to be sent to the offender as formal notice of warning. Each violation, by a minor or adult within a two year period from date of first violation shall carry with it a fine of twenty five dollars (\$25) and five (5) hours of community service which shall increase for each subsequent violation within said period by the amount of twenty five dollars (\$25) and five (5) hours to a maximum of one hundred dollars (\$100) and twenty (20) hours service.

SEC. 2.3 In addition to the civil penalties, for any violation hereof, the Court shall require the violator to pay the Town's reasonable attorneys fees incurred in connection with the enforcement action, not to exceed two hundred fifty dollars (\$250) plus, the violator shall be ordered to pay the Town's costs and filing fees reasonably incurred in the prosecution of this Ordinance. Actions shall be prosecuted by the Town Attorney in the Knox County District Court in Rockland.

SEC. 3. If any provision hereof shall be held to be illegal, it is the intent that all remaining provisions shall remain in full force and effect.

ENACTED JULY 20, 1995