

TOWN OF ANSON

Loitering Ordinance

Section 1. General Provisions

1.1 Title

This Ordinance shall be known and cited as the Town of Anson Loitering Ordinance and will be referred to hereafter as "this Ordinance".

1.2 Authority

This ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution and the provisions of Title 30-A M.R.S.A., § 3001 (Home Rule).

1.3 Conflict with other Ordinance, Laws and Regulations. Whenever a provision of this ordinance conflicts with or is inconsistent with another provision of this ordinance or any other ordinance, regulation, or statute from any jurisdiction, the more restrictive provision shall control.

1.4 Validity and Severability

Should any section or provision of this ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this ordinance.

1.5 Amendment

A. An amendment to this ordinance may be initiated by:

1. Request of the Board of Selectmen
2. Written petition of a number of voters equal to at least 5% of the number of votes cast in the Town at the last gubernatorial election.

B. The Board of Selectmen shall hold a public hearing on the proposed amendment. Notice of the hearing shall be posted in two (2) public places in the Town and shall be published at least once in a newspaper of general circulation in the area at least seven (7) days prior to the hearing.

C. An amendment to this ordinance may be adopted by a majority vote of the Town Meeting.

1.6 Effective Date

This ordinance shall become effective on the date of adoption by the Town's legislative body.

1.7 Availability

A certified copy of this ordinance shall be filed with the Town Clerk and shall be accessible to any member of the public during regular office hours. Copies shall be made available to the public at a reasonable cost.

Section 2. Loitering

2.1 Prohibited Conduct and Activities.

- A. It shall be unlawful for any person to loiter in any public place, or in or about any building or dwelling or adjacent thereto, in such a manner so as to:
 - (1) Obstruct any public street or public place by hindering or impeding or tending to hinder or impede an uninterrupted passage of pedestrians or vehicles.
 - (2) Commit in or upon any public street or public place any act which is an obstruction or interference to the free and uninterrupted use of any property, or with any business being lawfully conducted by anyone in any public place, or which prevents the free and uninterrupted ingress and egress therein, thereon and thereto.
 - (3) Create or cause to be created any disturbance or annoyance to the discomfort or alarm of any person lawfully going in or going to or from any building, dwelling, or public place.
- B. "Loitering" shall mean remaining in essentially one location either alone or in concert with others.
- C. "Public Place" shall mean any place to which the general public has access and the right to enter in or upon for business, entertainment or other lawful purposes, and shall include the front or immediate area around any store, shop, restaurant, tavern, or other place of business and also all public grounds, areas, beaches or parks.
- D. When any person or persons causes or commits any of the conditions enumerated in subsection A herein a police officer, or any law enforcement officer, shall order the person or persons to stop causing or committing such conditions, and may, if he deems necessary for the preservation of public peace and safety, order that person or persons to move on and disperse. Any person who fails or refuses to obey any such order shall be guilty of a violation of this section.
- E. This section shall not apply to peaceful picketing, public speaking or other lawful expressions or opinion not in contravention of other Town Ordinances or State and Federal laws.

2.2 Pedestrians Not to Obstruct Traffic; duty of officer, etc. to disperse offenders. Two or more persons shall not stand together, or near each other, in any street or on any sidewalk, in such a manner as to obstruct the free passage thereon and

thereover. It shall be the duty of any police officer, constable, or other authorized agent of the Town to order any person violating the foregoing provision of this section to move on; and if the person does not obey, to arrest and by lawful process cause him to be brought before the District Court.

2.3 Disturbing the Peace.

No person shall, in any street or public place, make any loud or unusual noise, either by voice or otherwise, or utter obscene and indecent and profane songs or words, or in any unruly or boisterous manner disturb the quiet and good order of the Town.

2.4 Penalties.

Any person or party found guilty of violating any of the provisions of this Section shall be fined one hundred (\$100.00) plus costs recoverable for the use and benefit of the Town of Anson.

Given under our hands this 11th day of February, 2003 at Anson, Maine

Selectmen of Anson

Arnold P. Luce
Arnold P. Luce

Inez Moody
Inez Moody

Darrol Bartlett
Darrol Bartlett

Warren Bown
Warren Bown

H. Ralph Withee
H. Ralph Withee

Adopted in open town meeting on March 8, 2003.

Robert S. Worthley
Robert S. Worthley
Town Clerk