

TITLE 11

MUNICIPAL OFFENSES

CHAPTER

1. TRESPASSING AND INTERFERENCE WITH TRAFFIC.
2. DEFACEMENT OR VANDALISM OF STONE WALLS, MAILBOXES AND PUBLIC PROPERTY.
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CHAPTER 1

TRESPASSING AND INTERFERENCE WITH TRAFFIC

SECTION

- 11-101. Trespassing.
- 11-102. Interference with traffic.
- 11-103. Violation and penalty.

11-101. Trespassing. (1) On premises open to the public.

(a) It shall be unlawful for any person to defy a lawful order, personally communicated to him by the owner or other authorized person, not to enter or remain upon the premises of another, including premises which are at the time open to the public.

(b) The owner of the premises, or his authorized agent, may lawfully order another not to enter or remain upon the premises if such person is committing, or commits, any act which interferes with, or tends to interfere with, the normal, orderly, peaceful or efficient conduct of the activities of such premises.

(2) On premises closed or partially closed to public. It shall be unlawful for any person to knowingly enter or remain upon the premises of another which is not open to the public, notwithstanding that another part of the premises is at the time open to the public.

(3) Vacant buildings. It shall be unlawful for any person to enter or remain upon the premises of a vacated building after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(4) Lots and buildings in general. It shall be unlawful for any person to enter or remain on or in any lot or parcel of land or any building or other structure after notice against trespass is personally communicated to him by the owner or other authorized person or is posted in a conspicuous manner.

(5) Peddlers, etc. It shall also be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to promptly leave the private premises of any person who requests or directs him to leave.¹ (Ord. #98-11, March 1998)

11-102. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere with the free passage of pedestrian or vehicular traffic thereon, except for those persons employed by governmental agencies to guard or oversee the safety of school children or other pedestrians crossing public streets. (Ord. #98-11, March 1998)

11-103. Violation and penalty. A violation of any provision of this chapter shall subject the offender to a penalty of up to one hundred dollars (\$100) for each offense. (Ord. #98-11, March 1998)

¹Municipal code reference

Provisions governing peddlers: title 9, chapter 1.

CHAPTER 2

DEFACEMENT OR VANDALISM OF STONE WALLS,
MAILBOXES AND PUBLIC PROPERTY

SECTION

11-201. Definitions.

11-202. Civil offense.

11-203. Violation and penalty.

11-201. Definitions. Unless otherwise expressly stated, whenever used in this chapter, the following words shall have the meaning given to them in this section.

(1) "Stone wall" means any wall or portion of a wall constructed entirely of stone which was initially constructed prior to the year 1900 and which border or are located, in whole or in part, with public right of ways.

(2) "Mailbox" means any receptacle made of plastic, metal, stone or brick which is used for the deposit of mail by the U.S. Postal Service and which borders or is located, in whole or in part, in public right of ways. (Ord. #98-18, Oct. 1998)

11-202. Civil offense. (1) It shall be a civil offense for any person willfully, maliciously or wantonly to damage, deface, destroy, vandalize, tamper with, or take without proper authorization:

- (a) Any stone walls
- (b) Any mailbox

(2) Any person, firm or corporation whose employee, agent or subcontractor violates this section while acting as such employee, agent or subcontractor may also be charged with violating this section.

(3) This section shall also apply to all property of the town, the county, the state and the United States, including, but not limited to, building appurtenances, fixtures, streets, signs, traffic control devices, public utilities, water meters, pressurized sewer pumps, parks and park facilities, library materials, vehicles and all other equipment and materials. This section shall also apply to all stone walls and mailboxes, whether publicly or privately owned. (Ord. #98-18, Oct. 1998)

11-203. Violation and penalty. In addition to any other action the town may take against a person violating this section, each such violation shall be punishable as a separate civil offense, with a penalty in the amount of up to \$500.00 for each offense. This application of a penalty shall not be held to prevent the enforced repair or replacement of the property or remediation of damage done to the property. (Ord. #98-18, Oct. 1998)

CHAPTER 3

MISCELLANEOUS

SECTION

11-301. Abandoned refrigerators, etc.

11-302. Caves, wells, cisterns, etc.

11-303. Posting notices, etc.

11-301. Abandoned refrigerators, etc. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, unused, or discarded refrigerator, icebox, or other container with any type latching or locking door without first removing therefrom the latch, lock, or door or otherwise sealing the door in such a manner that it cannot be opened by any child. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. (Ord. #98-10, March 1998)

11-302. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. A violation of this section shall subject the offender to a penalty of up to one hundred fifty dollars (\$150) for each offense. (Ord. #98-10, March 1998)

11-303. Posting notices, etc. No person shall paint, make, or fasten, in any way, any show-card, poster, or other advertising device or sign upon any public or private property unless legally authorized to do so. A violation of this section shall subject the offender to a penalty of up to fifty dollars (\$50) for each offense. Each posting of such unauthorized notice shall constitute a separate offense. (Ord. #98-10, March 1998)

CHAPTER 4

GENERAL PROHIBITION ON NOISES

SECTION

11-401. General prohibition on noises.

11-402. Miscellaneous prohibited noises enumerated.

11-403. Exceptions.

11-401. General prohibition on noises. Subject to the provisions of this chapter, the creating of any unreasonably loud, disturbing and unnecessary noise is prohibited. Noise of such character, intensity or duration as to be detrimental to the life or health of any individual or in disturbance of the public peace and welfare is prohibited. (as added by Ord. #06-06, April 2005)

11-402. Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this division, but this enumeration shall not be deemed to be exclusive, namely:

(1) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or other vehicle except as a danger signal; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(2) Radios, phonographs, etc. The playing of any radio, phonograph, stereo system or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort or repose of persons in any office or hospital, or in any dwelling, hotel or other type or residence, or of any person within fifty (50) feet of the vicinity.

(3) Yelling, shouting, etc. Yelling, shouting, whistling or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the quiet, comfort or repose of any persons in any hospital, dwelling, hotel or other type of residence, or of any person in the vicinity.

(4) Pets. The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(5) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded or in such a manner as to cause loud and unnecessary grating, grinding, grinding, rattling or other noise.

(6) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work as a warning of fire or danger, or upon request of proper municipal authorities.

(7) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Building operations. The erection (including excavation), demolition, alteration or repair of any building in any area or the construction or repair of streets and highways in any area and related infrastructure, other than between the hours of 7:00 A.M. and 7:00 P.M. or dark, which ever may fall first, Monday through Saturday and 9:00 A.M. and 7:00 P.M. or dark, which ever may fall first, Sunday, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways after dark and before 7:00 A.M. Monday through Saturday or 9:00 A.M. Sunday and if he shall further determine that unreasonable loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done during those hours upon application being made at the time the permit for the work is awarded or during the process of the work. This restriction will include but not be limited to the use of pile drivers, use of explosives, steam shovel, pneumatic hammer, derrick, steam or electric hose, or other machinery or equipment attended by loud or unusual noise.

(9) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church or court while the same is in session.

(10) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and other containers.

(11) Noises to attract attention. The use of any drum, loudspeaker or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, sale or display of merchandise.

(12) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes. (as added by Ord. #06-06, April 2005)

11-403. Exceptions. None of the terms or prohibitions of this chapter shall apply to or be enforced against:

(1) Municipal vehicles. Any vehicle of the city while engaged upon necessary public business.

(2) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(3) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit. (as added by Ord. #06-06, April 2005)