



## Chapter 128

### PEACE AND GOOD ORDER

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[HISTORY: Adopted by the Town of Boothbay Harbor 2-10-1958 by STM Art. 2 as Art. 10 of the 1958 Ordinances. Amendments noted where applicable.]

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**§ 128-1. Loitering. [Amended 3-5-1973 by ATM Art. 45]**

No person shall stand, sit or otherwise occupy any street, walk or public place in such manner as to obstruct free passage thereon; nor be or remain upon any doorstep, portico or other projection or entrance to any house or other building, nor in any church, meeting house, public hall or entrance thereto or public lawn, park or field to the annoyance or disturbance of the public.

**§ 128-2. Noise.**

No person shall, in any street or public place, make any loud or unusual noises by shouting, discharging firearms, sounding horns or other instruments or things or sing or utter obscene or indecent songs or words or in any unruly or boisterous manner disturb the peace, quiet and good order of the Town.

**§ 128-3. Fires.**

No person shall make any bonfires or set any combustible matter on fire in any public or private way in the Town.

**§ 128-4. Sale and use of consumer fireworks prohibited. [Amended 5-5-2012 by ATM Art. 25]**

- A. Authority: This section is adopted pursuant to the enabling provisions of the Maine Constitution, the provisions of 30-A M.R.S.A. § 3001, and the provisions of 8 M.R.S.A. § 223-A.

- B. Prohibited: No person shall use or sell consumer fireworks within the limits of the Town of Boothbay Harbor, including on, in, or over the waters of Boothbay Harbor.
- C. Exception: This section does not apply to a person, business, or other entity issued a fireworks display permit by the Department of Public Safety, Fire Marshal's Office, pursuant to 8 M.R.S.A. § 227-A. This section does not apply to a signal cannon used by boating organizations or committees to signal events, or to small devices commonly known as small sparklers, in accordance with state law.
- D. Penalties: Any person, business, or other entity who uses or sells consumer fireworks within the limits of the Town of Boothbay Harbor, including on, in or over the waters of Boothbay Harbor, shall be subject to a penalty as set forth in Chapter 1 of this Code, General Provisions, Article II, General Penalty.
- E. Seizure and disposal of consumer fireworks: A law enforcement officer may seize consumer fireworks that the officer has probable cause to believe are used or sold in violation of this section and shall forfeit the seized consumer fireworks to the state for disposal.
- F. Definitions: The following definitions shall apply in and to this section:

CONSUMER FIREWORKS — Shall have the same meaning as in 8 M.R.S.A. § 221-A(1-A), as may be amended from time to time.

FIREWORKS — Shall have the same meaning as in 8 M.R.S.A. § 221-A(4), as may be amended from time to time.

**§ 128-5. Streets and sidewalks. [Amended 3-1-1982 by ATM Art. 55]**

No person shall play with any kite or at any game of ball or football or throw any stone, snowball or other thing in any public street or open public passageway whereby travelers might be injured or annoyed, whether such travelers shall be actually passing or not. No person shall slide down, in, across or along any sidewalk or street on any sled or otherwise, except as hereinafter provided.

**§ 128-6. Nude bathing.**

No person shall swim or bathe in a nude state in any place exposed to view or near any dwelling house or places of public resort.<sup>1</sup>

**§ 128-7. Automobile horn or muffler noise.**

No automobile horn shall be sounded in any unreasonable manner or so as to make objectionable noise. No operator of a motor vehicle shall make any unnecessary noise by cutting out the muffler or operating with a defective muffler.

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1. Editor's Note: Original Section 7, regarding barking dogs, which immediately followed this section, is now located in Chapter 76, Animals, Article II.

**§ 128-8. Traveling amusement shows.**

No traveling amusement show shall exhibit any parade, show or entertainment in the Town without a permit from the Selectmen or Town Manager.<sup>2</sup>

**§ 128-9. Covering of waste and garbage.**

Truck drivers hauling garbage and waste through and out of Town shall cover the same so that it will not be scattered along highways and lawns.

**§ 128-10. Motor vehicle noise. [Added 9-12-1966 by STM Art. 9]**

No person shall operate a motor vehicle upon any street or way or any other place in the Town of Boothbay Harbor so as to make any loud, unusual or unnecessary noise against the peace, quiet or good order of the Town.

**§ 128-11. Alarm systems fees. [Added 3-7-1977 by ATM Art. 30; amended 5-1-1995 by ATM Art. 63]**

Commencing July 1, 1977, any person, firm or corporation which is the owner or tenant of land or building and which is desirous of having said premises connected to or to be continued to be connected to the communications center of the Town of Boothbay Harbor for police or fire protection purposes shall pay one hundred dollars (\$100.) per year for businesses and fifty dollars (\$50.) per year for residences to the Town Treasurer of the Town of Boothbay Harbor for said services.

**§ 128-12. Entertainment curfew. [Added 3-7-1977 by ATM Art. 33; amended 3-3-1980 by ATM Art. 45]**

A restaurant, inn, tavern, theater or any other establishment which provides live or recorded music or entertainment to the public shall cease such music or entertainment at 1:00 a.m.

**§ 128-13. Violations and penalties. [Added 5-1-1995 by ATM Art. 63]**

Any person, firm or corporation who or which shall violate any of the provisions of this chapter shall be subject to a penalty as set forth in Chapter 1, General Provisions, Article II, General Penalty.

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2. Editor's Note: Original Section 10, regarding police officers, which immediately followed this section, is now located in Chapter 46, Police Officers.