

Sec. 17-17. Disorderly conduct.

(a) No person shall, in a public place, intentionally or recklessly cause annoyance to others by intentionally engaging in fighting, without being licensed or privileged to do so.

(b) No person shall, in a private or public place, knowingly accost, insult, taunt or challenge any person with offensive, derisive or annoying words, or by gestures or other physical conduct, which would in fact have a direct tendency to cause a violent response by an ordinary person in the situation of the person so accosted, insulted, taunted or challenged.

(c) No person shall in, on, or adjacent to any of the streets, ways or public places, make, continue, or cause to be made or continued any loud, unnecessary or unusual noises which shall either annoy, disturb, injure or endanger the comfort, repose, health, peace or safety of others. The sounding of any horn or signalling device, except as a danger warning; the playing of any radio, musical instrument, phonograph or any other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants and passers-by; the use of any loudspeaker or amplifier for the purpose of commercial advertising or attraction of the public to a specific building, location or business, yelling, shouting, hooting, whistling, or singing shall be considered to be loud, disturbing, and unnecessary noises, but such enumeration shall not be deemed exclusive.

(d) Whoever violates any of the provisions of this section shall be punished by a minimum fine of one hundred dollars (\$100.00) for a first offense; a minimum fine of three hundred dollars (\$300.00) for a second offense; and a minimum fine of five hundred dollars (\$500.00) for each and every offense thereafter. In any action in which the city prevails, it shall be entitled to attorneys' fees and all costs of prosecution.

Sec. 17-18. Construction activities.

(a) Within the R-zones, from September 1st to May 31st, no person shall engage in construction activities generating noise exceeding fifty (50) decibels, between the hours of 7:00 p.m. and 7:00 a.m., of the following day within five hundred (500) feet of any building used for residential, hospital or nursing home purposes. From June 1st to August 31st construction activity may continue until 8:00 p.m. Any other language notwithstanding, no construction activity shall begin before 8:00 a.m. on a Saturday, Sunday or legal holiday.

(b) Construction activities shall include, but not be limited to, the following:

(1) The use or operation of power or heavy equipment in connection with road, street, or bridge construction, reconstruction or repair;

(2) The use or operation of power or heavy equipment in connection with the installation or repair of utility lines, pipes, wires or cables; City of Portland Offenses, Miscellaneous Provisions Code of Ordinances Chapter 17 Sec. 17-18 Rev. 10-17-2005 17-14

(3) The use or operation of power or heavy equipment in connection with the construction of buildings, including specifically excavation for foundations or landscaping work of any kind;

(4) The renovation, repair, remodeling or demolition of the exterior or foundation of any building or structure.

(c) This section shall not apply in the following situations:

(1) Emergency repair work on any utility line, pipe, wire or cable required to restore normal utility service;

(2) Situations where the public works authority or the office of building inspections determines that the construction activity is of a unique character which cannot reasonably be completed or performed during the permitted hours and which is not of a recurring nature, provided that prior to engaging in such activity the contractor or his representatives gives notice of the time and scope of such proposed activity, the notice to be given in a manner approved by the public works authority. (Code 1968, § 703.3A; Ord. No. 403-71, 8-16-71; Ord. No. 59-05/06, 10-17-05)

Sec. 17-19. Loading of scrap metal.

(a) Between the hours of 9:00 p.m. and 7:00 a.m. the following day, no person shall engage in the loading or unloading of scrap metal into or from ships, vessels, or barges; nor shall any person, during said hours, engage in scrap metal stacking or piling preparatory to such loading or unloading, at the site thereof, or on any property adjacent thereto.

(b) Nothing herein shall be construed to prohibit movement of metal directly related to, and in the course of, the construction, repair or refurbishing of ships, vessels or barges. (Ord. No. 170-85, 4-1-85)

Sec. 17-20. Creation of Certain Noise Upon Public Right Of Way.

(a) *Purpose.* The Portland City Council finds that excessive noise on public ways may cause distraction to other drivers and preclude the safe operation of motor vehicles to the detriment of the health, welfare and safety of Portland's citizens. Accordingly, it is the policy of the City of Portland to prohibit unnecessary, excessive, annoying and distracting noise on public right of ways within the City of Portland.

(b) *Definitions.* For the purpose of this article, the following words and phrases shall have the following meanings:

- (1) "City" means the City of Portland, Maine.
- (2) "Noise-creating device" means any electrical, mechanical or chemical device or instrument, or combination thereof, that creates noise during its operation by a person.
- (3) "Motorcycle" means an unenclosed motor vehicle, having a saddle for the use of the operator, with two or three wheels in contact with the ground, including, but not limited to, motorscooters and minibikes.
- (4) "Operation" means actual control by a person.
- (5) "Public right-of-way" means any street, roadway, alley, sidewalk or other area deeded or dedicated for public travel or transportation purposes.
- (6) "Straight pipe exhaust system" means any straight through muffler that does not contain baffles, including, but not limited to, glass packs, steel packs and straight pipes.

(c) Creation of certain noises upon public right of way prohibited.

- (1) No person, while occupying any public right-of-way in the City, shall operate any noise-creating device in such a manner that the public's attention is drawn to the source of the noise.

The prohibition of this section shall include, but not be limited to, the following activity or conduct:

- a. Discharging fireworks or any exploding device,
- b. Firing a starter pistol, air gun, BB gun or a firearm,

- c. Sounding a bell or whistle for so extended a period of time as to cause annoyance to others,
- d. Rapid throttle advance and/or revving of an internal combustion engine resulting in increased noise from the engine,
- e. Operation of motor vehicle, as defined in 29-A M.R.S.A. §101(42), including but not limited to a motorcycle with a straight pipe exhaust system, an exhaust system with a cutout, bypass or similar device or an exhaust system that does not meet the requirements of Maine law, including, but not limited to, 29-A M.R.S.A. §1912.

(d) *Exceptions.* The provisions of this section shall not apply to the following activity or conduct:

- (1) Expression or communication protected by the United States Constitution, including the First Amendment, or the Maine Constitution.
- (2) Any activity or conduct the regulation of which has been preempted by Maine statute.
- (3) Any noise created by a governmental entity in the performance of an official duty.
- (4) Any noise for which a permit has been issued by an authority having jurisdiction to issue the permit.
- (5) The sounding of any signaling device permitted by law.

(e) *Penalty.*

- (1) First Offense: \$50.00
- (2) Second Offense: \$100.00
- (3) Third Offense: \$200.00
- (4) Fourth and Subsequent Offenses: \$500.00

(Ord. No. 182-02/03, 3-17-03)

Sec. 17-21. Motor vehicle alarms.

(a) *Prohibition.* No registered owner of a motor vehicle equipped with an audible burglar alarm shall allow the alarm to operate for more than ten (10) aggregated minutes in any sixty (60) minute period, unless the alarm was triggered by a burglar

or attempted burglary in which case the alarm shall operate for no more than twenty (20) aggregated minutes in a sixty (60) minute period. If the owner asserts that a burglary or attempted burglary activated the alarm, the owner has the burden of proving that assertion by clear and convincing evidence.

(b) The registered owner of a motor vehicle is responsible for compliance with this ordinance and for any fines, penalties, fees and costs generated by non-compliance, regardless of who has custody or control of the vehicle at the time of non-compliance, unless at that time the vehicle was stolen and the owner reported that theft to a law enforcement agency within twenty-four (24) hours of the violation of this ordinance.

(c) *Penalties.* After the first offense, a notice of the violation shall be left on the vehicle in a conspicuous location or mailed to the registered owner at the owner's last known address. Notice shall be complete upon placement on the vehicle or mailing. A subsequent violation of this ordinance shall subject the registered owner of the motor vehicle to the following fines:

- (1) Second offense within a 365 consecutive day period: \$50.
- (2) Third offense within a 365 consecutive day period: \$100.
- (3) Fourth or any subsequent offense within a 365 consecutive day period: \$300.

(Ord. No. 159-04/05, 2-23-05)

Sec. 17-22. Reserved.
Sec. 17-23. Reserved.
Sec. 17-24. Reserved.
Sec. 17-25. Reserved.
Sec. 17-26. Reserved.
Sec. 17-27. Reserved.
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Sec. 17-30. Reserved.