

## Chapter 17

### DEPUTY SHERIFF AND CONSTABLE

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### ARTICLE I. IN GENERAL

#### Sec. 17-1. Constables.

Constables appointed by the Town of Long Island shall be empowered to serve all legal process allowable under state law on behalf of and at the request of the Town of Long Island. A constable's certificate of appointment shall state any applicable limitations, that he or she is not allowed to carry a weapon, concealed or unconcealed, in the performance of his or her duties and that his/her term shall expire on December thirty-first of the year in which he/she is appointed.

#### Sec. 17-2. Loitering.

(a) The following definitions shall apply in this section:

(1) *All-terrain vehicle (ATV)*, shall mean a motor-driven, off road, recreational vehicle capable of cross-country travel on land, snow, ice, marsh, swampland or other natural terrain. It includes, but is not limited to, a multi-track, multi-wheel, or low-pressure tire vehicle; a motorcycle or related two-wheel, three-wheel or belt-driven or "dirt bike;" an amphibious machine; or other means of transportation deriving motive power from a source other than muscle or wind. For purposes of this chapter, "all-terrain vehicle" does not include a snowmobile; airmobile; construction or logging vehicle used in the performance of its common function; a farm or garden vehicle used for farming or gardening purposes; a vehicle used exclusively for emergency, military, law enforcement or fire control purposes.

(2) *Loitering* shall mean remaining in essentially one (1) location, seated or standing, and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; and to stand around.

(3) *Public place* shall mean any place to which the general public has access and a right to resort for business, entertainment or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public streets, sidewalks, ways, grounds, schools, areas or parks.

(b) It shall be unlawful for any person to loiter either alone and/or in consort with others in a public place in such a manner at to:

(1) Obstruct any public street, public highway, public sidewalk or any other public place, or building to include Fire Lanes; by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians; (**Amended June 1, 2017**)

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building to include Fire Lanes any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or any other public place or building, all of which prevents the free and uninterrupted ingress and egress therein, thereon, and thereto: (**Amended June 1, 2017**)

(3) Manifest a purpose to promote, engage or solicit another person to engage in sexual intercourse or a sexual act in return for a pecuniary benefit;

(4) Manifest a purpose to traffic in or furnish what the person knows or believes to be a schedule or counterfeit drug or any hypodermic apparatus.

(c) When any person causes or commits any of the conditions enumerated in subsection (b) herein, any law enforcement officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of this section.

#### **Sec. 17-3. Panhandling.**

(a) The following definitions shall apply in this section:

(1) "Begging" shall mean the solicitation of money or other valuable consideration without giving consideration in return.

(2) "Loitering" shall have the same meaning as ascribed to it in section 17-2.

(b) It shall be unlawful for any person to loiter either for the purpose of begging or to beg either alone or in consort with others in a public place.

(c) The provisions of this section shall not apply to any organization or society that is organized and operated exclusively for religious, educational, philanthropic, benevolent, fraternal, charitable, or reformatory purposes, not operated for pecuniary profit, where not part of the net earnings of which inures to the benefit of any person, private shareholder or individual and provided that any person conducting such solicitation is duly identified as being the authorized agent of such organization or society.

#### **Sec. 17-4. Handbills.**

(a) No person shall throw, cast or cause or permit to be thrown or cast any handbill, circular, card, booklet, placard, paper, or any other object constituting litter, in or upon any street, way or public place; provided, however, it shall not be unlawful for any person to hand

out or distribute handbills, or any other thing which is otherwise permitted by law, in any public place to any person willing to accept such handbill or other thing.

(b) No person shall place or attach any handbill, circular, card, booklet or placard on any automobile or other conveyance located in any public street or way, which is unoccupied at the time of such placement or, if occupied, without the consent of the occupant. No person shall place or attach any other object on any automobile or other conveyance located in any public street or way, which is unoccupied at the time of such placement or, if occupied, without the consent of the occupant, if such object could reasonably be expected to constitute litter if removed.

(c) No person shall post or otherwise attach any handbill, circular or paper sign to or upon any street lamppost, hydrant, tree, shrub, tree stake or guard, trash receptacle, utility pole or wire appurtenance, or any light pole, street sign or traffic sign, or upon any other object lawfully located in the street right-of-way. The provisions of this paragraph shall not apply to:

(1) The posting of signs or the placement of objects permitted by Titles 23 or 35 or the Maine Revised Statutes;

(2) To the posting of any handbill, circular or notice upon any bulletin board or other object provided by the town for that purpose.

(d) There shall be a rebuttable presumption that the person whose goods or services are described in any handbill, circular or other paper which was attached, placed or posted in violation of this section attached, placed or posted such handbill, circular or other paper, or knowingly caused the item to be attached, placed or posted in violation of this section.

## **ARTICLE II. OFFENSES AGAINST PUBLIC PEACE\***

### **Sec. 17-5. Noise generally.**

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 signaling 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 and a violation of this section but such enumeration shall not be deemed exclusive.

### **Sec. 17-6. Construction activities.**

(a) No person shall engage in construction activities between the hours of 9:00 p.m. and 7:00 a.m., of the following day within five hundred (500) feet of any building used for residential purposes.

(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 or street 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;
  - (3) The use or operation of power or heavy equipment in connection with the construction of buildings, including specifically excavation for foundation or landscaping work of any kind;
  - (4) The renovation, repair, remodeling or demolition of any existing 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 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 representative 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.

**Sec. 17-7. Noise from ships, vessels, and barges.**

- (a) Between the hours of 9:00 p.m. and 7:00 a.m. the following day, no person on a ship, vessel or barge shall engage in any commercial or industrial activity which causes disturbing noises to the adjacent shorelines.
- (b) Sec. 17-7 (a) shall not apply to local commercial fishing operations.

**\*State law reference**—Offenses against public order, 17-A M.R.S.A. § 501 et seq.

## **ARTICLE III. OFFENSES AGAINST PUBLIC SAFETY\***

### **DIVISION 1. PARKING**

**Sec. 17-8. Parking on Town Streets.** (Amended July 1, 2018)

- (a) There shall be no parking on Island Avenue between east end of the guard rail above front beach and the Boston Sand & Gravel Road except as posted.
- (b) Abandoned vehicles will be returned to property of last known owner.
- (c) A temporary permit may be issued by the constable or deputy sheriff for disability or other reasonable cause to waive any of the above parking provisions.
- (d) Penalties for violation of posted parking restrictions on Island Avenue shall be as specified in Sec. 17-16.

**Sec. 17-9. Parking on state-owned ferry wharf.**

There shall be no vehicles parked or entering the state wharf or approach to the wharf while rescue or other emergency vehicles/vessels are on or in need of use of said wharf. Those already on the wharf should move immediately off the wharf when emergency vehicles or personnel signal or approach with lights, sirens, or other such devices in use.

**Sec. 17-10. Interference with snow removal.**

No vehicle shall be parked at any time on any public street or way so as to interfere with or hinder the removal of snow from the street or way by the town by, plowing, loading, and hauling, and any person parking a vehicle in violation of this ordinance shall be removed by the town at owner's expense.

**\*State law reference**—Offenses against public order, 17-A M.R.S.A. § 501 et seq.

**DIVISION 2. ATV'S AND GOLF CART REGISTRATION**

**Sec. 17-11. Operation of an ATV on publicly-owned property.**

(a) No person shall operate an all-terrain vehicle on any publicly owned property within the town except as specifically provided in subsections (b) or (c).

(b) An all-terrain vehicle may be operated on specifically designated publicly owned streets.

(c) An All-terrain vehicle may only be operated on publicly owned property/streets by licensed drivers with proof of insurance with the vehicle.

**(Sec. 17-11 amended May 13, 2006)**

**Sec. 17-12. Operation on private property.**

(a) Any person operating an all-terrain vehicle upon the land of another shall stop and identify himself and produce the state registration certificate required pursuant to 12 M.R.S.A. section 7854 upon the request of the land owner, his duly authorized representative, constable, or deputy sheriff.

(b) No person shall operate an all-terrain vehicle on the land of another after having been forbidden to do so by the owner thereof, the owner's agent, constable, or deputy sheriff, either personally or by appropriate notices posted conspicuously on that property.

(c) Impoundment or fine.

**Sec. 17-13. Golf carts on town streets by certain persons.**

The operation of golf carts shall be permitted on town streets if in compliance with the following requirements:

(1) The operator must possess a valid license to operate a motor vehicle; and are required to show evidence of insurance bill of sale and have original (new) purchase price at time of registration. **(Amended May 12, 2007)**

(2) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown; unless equipped with and utilizing suitable headlights and taillights as determined by the sheriff's department; shall keep to the extreme right of the roadway; shall not exceed a speed of ten (10) miles per hour; and shall obey all traffic laws applicable to motor vehicles;

(3) Each golf cart shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six (6) feet in height; slow vehicle markings; and display a sticker on the cart showing annual registration with the tax collector as an island vehicle. **(Amended May 4, 2002)**

### **DIVISION 3. FIREARMS**

#### **Sec. 17-14. Firearms-Shooting prohibited; exception.**

No person shall shoot with or use a bow and arrow, BB gun, air gun of any kind, gas pellet gun of any kind, sling shot, a firearm of any kind or description or any other such weapon within the town limits, except in the performance of official duties, at authorized events (e.g. paint pellet event) or ranges, or in self defense. This section shall not apply to those temporarily authorized to participate in state controlled deer-hunts when deemed necessary by vote of the selectmen.

#### **Sec. 17-15. Firearms-Carrying at nighttime prohibited; exception.**

(a) No person shall have in his possession in or on any street, way, sidewalk, park or other public place, or in any motor vehicle on or in any street, way, sidewalk, park, or other public place between the time of sunset of any day and sunrise of the following day any loaded BB gun, air gun of any kind, firearm of any kind or description or any other such weapon.

(b) This section shall not apply to any law enforcement official in the performance of his or her official duties or to any person defending himself or herself or his or her property.

### **DIVISION 4. FINES AND PENALTIES**

#### **Sec. 17-16. Penalties for parking violations.**

- (a) Penalties for violation of Sec. 17-8 – 17-9
  - (i) First Offense for violations – Warning.
  - (ii) Second Offense for violations – \$20.00.
  - (iii) Additional Offenses for same violations in consecutive days – \$5.00 per day.
- (b) Vehicles violating these regulations three or more times shall be temporarily incapacitated through the application of a parking boot or towed to a designated impoundment area.
- (c) Any fine hereunder must be paid before the vehicle is released from a traffic boot or impoundment. Any towing impoundment or storage fees shall be the responsibility of the vehicle's owner and must also be paid before the vehicle will be released from the Town or its agents' impoundment facilities.

### **ARTICLE IV. MUNICIPAL PARKING LOTS**

**Sec. 17-17. Drivers to remain in vehicle.**

Drivers of taxicabs or public vehicles shall remain in the driver's seat while the vehicle is occupying a taxicab stand.

**Sec. 17-170. Reserved.**

**DIVISION 5. TOWING**

**Sec. 17-171. Applicability.**

Any vehicle which has accumulated three (3) or more notices of violation of any parking regulation or regulations made pursuant to this chapter issued after May 21, 1994, for which there has been neither payment of waiver fees nor issuance of court process and which is then parked in violation of any such provision may, at the option of any Sheriff or Constable or other officer authorized to enforce the parking regulations of the town, be immobilized in place or may be removed and stored pursuant to the provisions of Article II of this chapter until all waiver fees established pursuant to 30 M.R.S.A. § 2151 for all such outstanding notices of violations and also the charges authorized by Article II of this chapter have been paid or until the requirements of section 17-173(2) or (3) have been met. If impoundment equal to that of a daytime tow shall be charged and paid prior to such release.

**Sec. 17-172. Procedure for removal; notice to owner.**

The Sheriff or Constable requesting removal of a vehicle under this division shall at the time of such removal notify the dispatcher of the intended storage location of the subject motor vehicle. Such information shall be recorded by the dispatcher for the use of the Sheriff or Town Clerk. The Town Clerk shall notify by registered mail the registered owner of such vehicle within five (5) business days of the impoundment thereof, the storage location of such vehicle and the requirements for release as set forth in section 17-173.

**Sec. 17-173. Release of vehicles.**

Any person having custody of a motor vehicle pursuant to the provisions of this chapter or having the means to release such immobilized vehicle shall not release it until the individual requesting its release presents satisfactory evidence of his or her right to possession and signs a receipt therefore, and:

**Sec. 17-18 Reserved**

**ARTICLE IV. MUNICIPAL PARKING AREA**

(Original Policy Adopted By Selectmen April 4, 2006 – Effective June 1, 2006)  
**Ordinance formalized by the authority of the Board of Selectmen June 4, 2009**

- 1. Requirement to Display a Valid Parking Permit.** All vehicles parked in any Town of Long Island Municipal Parking lots must display a valid Parking Permit.

2. **Parking Permits.** Parking Permits will be issued as stickers and must be permanently affixed to the driver side lower corner of the vehicle windshield. Each vehicle must have a valid Parking Permit before parking in any municipal lot. Parking Permits are valid for a one-year period commencing on the date the Parking Permit was purchased.
3. **Permit Fees.** Vehicles for which owners have paid current excise tax on valid registration to the Town of Long Island are entitled to a free Parking Permit for the vehicle. Vehicles for which owners have not paid excise tax to the Town of Long Island shall be required to show current registration and pay \$75.00 per year or \$20.00 per month for a Parking Permit.
4. **Violations and Fines.** Vehicles parked in any Town of Long Island Municipal Parking Lot not displaying a valid Parking Permit shall be fined \$20.00 per ticket. Vehicles violating these regulations three or more times shall be temporarily incapacitated through the application of a parking boot or towed to a designated impoundment area. To secure the release of booted or impounded vehicles, owners must first pay the Town in full all outstanding fines and/or towing charges. (August 6, 2009)
5. **Availability of Town Parking Areas.** Parking areas within Town lots are limited and parking for vehicles with Parking Permits is on a first come, first served basis. The purchase of Parking Permit does not guarantee the holder will necessarily find that spots are available.
6. **ATV's.** Due to the State of Maine not requiring payment of excise tax on ATV's, owners are allowed free parking permits for ATV's that register with the Town of Long Island and a \$75.00 fee per year or \$20.00 per month for those ATV's registered elsewhere to be consistent with the existing Policy dated April 4, 2006. (May 13, 2006)
7. All Parking Violations, issued from June 1, 2006, must be paid before receiving a Parking Permit for any vehicle. Permits are non-transferable. (Revised 01/26/17)

**\*\*PARKING IS PROHIBITED ON ISLAND AVENUE FROM GARFIELD ST. EASTWARDLY, TO BOSTON SAND & GRAVEL\*\***

## **ARTICLE V. PEDESTRIANS**

### **Sec. 17-19. Parking Permits.**

- (a) Requirement to Display a Valid Parking Permit. All vehicles parked in any Town of Long Island Municipal Parking lot must display a valid Parking Permit.
- (b) Parking Permits. Parking Permits will be issued as stickers and must be permanently affixed to the driver side lower corner of the vehicle windshield. Each vehicle must have a valid Parking Permit before parking in any municipal lot. Parking Permits are valid for a one-year period commencing on the date the Parking Permit was purchased.
- (c) Permit Fees.
  - (i) Vehicles, except ATV's, for which owners have paid current excise tax on valid registration to the Town of Long Island are entitled to a free Parking Permit for the vehicle. Vehicles for which owners have not paid excise tax to the Town of Long



Island shall be required to show current registration and pay \$75.00 per year or \$20.00 per month for a Parking Permit.

(ii) Due to the State of Maine not requiring payment of excise tax on ATV's, owners are allowed free parking permits for ATV's that register with the Town of Long Island and a \$75.00 fee per year or \$20.00 per month for those ATV's registered elsewhere to be consistent with the existing Policy dated April 4, 2006. (May 13, 2006)

(d) Permit Violations and Fines. Vehicles parked in any Town of Long Island Municipal Parking Lot not displaying a valid Parking Permit shall be fined \$20.00 per ticket. Vehicles violating these regulations three or more times shall be temporarily incapacitated through the application of a parking boot or towed to a designated impoundment area. To secure the release of booted or impounded vehicles, owners must first pay the Town in full all outstanding fines and/or towing charges. (August 6, 2009)

(e) Availability of Town of Long Island Municipal Parking Lots. Parking within Town lots *is* limited, and parking for vehicles with Parking Permits is on a first come, first served basis. The purchase of *a* Parking Permit does not guarantee the holder will necessarily find that spots are available.

(f) All Parking Violations issued after June 1, 2006, must be paid before receiving a Parking Permit for any vehicle. Permits are non-transferable. (Revised 01/26/17)

#### **Sec. 17-191. Parking Restrictions in Municipal Parking Lots .**

(a) Parking in Municipal Lots shall be restricted in length of time and type of vehicle (car/truck/ATV vs golf cart) as posted in each lot or section of lot.

(b) Penalties for violation of posted parking restrictions in Municipal Lots shall be as specified in Sec. 17-16.

(c) Abandoned vehicles will be returned to property of last known owner.