

Adopted: July 27, 1976 Amended: Oct. 24, 1994

LOITERING ORDINANCE Sec. 2:201 Definitions

1. 'Begging' shall mean the solicitation of money or other valuable consideration without giving consideration in return.
2. "Loitering" shall mean remaining in essentially one location 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, worship or other lawful purpose, but does not necessarily mean a place devoted solely to the uses at the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business, or church, and also public streets, ways, grounds, area or parks.

Sec. 2:202 Loitering Prohibited

It shall be unlawful for any person to loiter either along and/or in consort with others in a public place in such manner so as to:

1. Obstructing Traffic. Obstruct any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.
2. Interference with Business or Property Use. Commit in or upon any public street, public highway, public sidewalk or any other public place or building 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, and regress therein, thereon, and thereto. Sec. 2:203 Violations.

When any person causes or commits any of the conditions enumerated in Section 2:201 (1) and (2) a police officer or 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 that section.

Sec. 2:204 Panhandling

I. Begging Prohibited. It shall be unlawful for any person to loiter either for the purpose of begging or to beg either alone and or in consort with others in a public place. 2. Exceptions. 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 no 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. 2:206 Penalty

Any person found guilty of a violation of Sections 2:202 and 2:204 shall be subject to a penalty of not less than twenty-five dollars (\$25) and not more than One hundred dollars (\$100) for each and every offense. (The imposition of a penalty for violation shall not excuse the violation or permit it to continue.) Such violation shall be remedied within a reasonable time, or within such time limit as may be specified in any notice given to the owner or occupant of the premises by the Town Manager, and each day such violation continues to exist following the expiration of the time limit specified in any such notice shall constitute a separate offense. The application of a penalty shall not be held to prevent the enforced removal of prohibited conditions, nor preclude the Town Attorney from causing to be instituted an appropriate action to prevent, restrain, correct or abate any violation of those sections.

(State Law Reference: 17-A MPSA ss 501--505; 9 MRSA ss 6001 et sec.)