

Proposed Amendment – text to be added is shown with and underline and text to be deleted is shown with a strikethrough.

**CHAPTER 39**  
**LOITERING, CURFEW AND NOISE**

**ARTICLE I LOITERING, CURFEW AND NOISE ORDINANCE**

**SECTION 39-101 LOITERING**

No person shall loiter in, on, or adjacent to any of the streets, ways or public places, in the Town of Freeport, and no person shall loiter unnecessarily in or about any private dwelling or peep into windows of any private dwelling to the discomfort or alarm of the residents of such dwelling, the neighbors, or any person going to and from the same.

**SECTION 39-102 CURFEW**

No parent, legal guardian or other person having the care and control of a child under the age of fifteen years shall permit such child to be or remain in or on any of the streets, ways, or public places of the Town of Freeport after nine o'clock in the evening unless such child shall be engaged in the performance of some lawfully authorized employment or shall be in the course of active travel over said streets, ways, or public places between a specific point of origin and a specific destination or shall be accompanied by said parent, legal guardian or other adult person.

**SECTION 39-103 NOISE**

A. No person shall make, continue, or cause to be made or continue any loud, profane, boisterous, 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 passersby; the use of any loud speaker or amplifier for the purpose of commercial advertising or attention 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 Ordinance but such enumeration shall not be deemed exclusive except as authorized by the Town Council.

B. ~~This ordinance-Subsection (A), above,~~ shall not apply to noise emitted by or related to:

1. Any bell or chime from any building clock, school, or church.

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2. Any siren, whistle, or bell lawfully used by emergency vehicles or any other alarm systems used in an emergency situation; provided, however, that burglar alarms or car alarms not terminating within 30 minutes after being activated shall be unlawful.
3. Warning devices required by the Occupational Safety and Health Administration or other state or federal safety regulations.
4. Farm operations as defined by 7 M.R.S. § 152.
5. Noise from domestic power equipment, ~~such as but not limited to power saws, sanders, grinders, including, but not limited to,~~ lawn and garden tools, chainsaws used to fell trees and remove logs from a site, or similar devices operated during daytime hours.
6. Timber harvesting activities as defined by 12 M.R.S. § 8868. ~~(felling trees and removing logs from the woods) during daytime hours.~~
- ~~—~~7. Noise generated by any motorized, construction, excavation, or demolition equipment (including, but not limited to: excavators, dump trucks, bulldozers, loaders/backhoes, graders, well-drilling rigs, hydraulic hammers, rock processing and screening machines, and blasting equipment) which is operated during daytime hours Mondays through Fridays -7:00 a.m. -to 6:00 p.m., excepting major holidays as defined in subsection (C), below: ~~Construction during non-daytime hours may be exempted from the provisions of this ordinance by order of the Chief of Police, if it is demonstrated that extenuating circumstances disallow construction during daytime hours.~~
8. Noise from excavation activities regulated under Section 509. Extraction of the Freeport Zoning Ordinance.
- ~~8. Noise created by refuse and solid waste collection during daytime hours.~~
9. Municipal, public works, or utility projects.
10. Noise generated by amplification during athletic events in the Village I (V-I) District after 10:00 pm as regulated by Section 515.D Noise Regulation of Freeport Zoning Ordinance.

*NOTE: Noise created by refuse and solid waste collection is regulated pursuant to Chapter 28.*

C. For the purposes of section 39-103(B), “daytime hours” means the hours between ~~6~~7:00 a.m. and ~~9:00~~6:00 p.m. ~~Mondays through Thursday~~Fridays and between 9:00 a.m. and 5:00 p.m. Saturdays through Sundays which do not fall on ; ~~between 6:00 a.m. and 10p.m. Friday through Saturday; and between 9:00 a.m. and 9:00 p.m. on Sunday. New Year’s Day, Memorial Day, 4th of July, Labor Day, Thanksgiving Day, and~~Christmas Day (collectively, “major holidays”).

## **SECTION 39-104 ENFORCEMENT**

- A. This Ordinance may be enforced by any sworn law enforcement officer of the Freeport Police Department as a civil violation.

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- B. Violations of sections 39-101 shall be punishable by a civil penalty or not more than \$100, which shall be assessed against the person creating the violation.
- C. Violations of Section 39-102 shall be punishable by a civil penalty of not more than \$100, which shall be assessed against the parent, legal guardian, or other adult person responsible for the care and control of the child in question.
- D. Violations of section 39-103 shall be punishable by a civil penalty assessed against either the person creating the violation, or the owner of record of the property upon which the violation occurs or continues to occur, if that person should be a separate and distinct entity from the person causing the violation. Each day that a violation occurs or continues to occur shall be considered a separate violation and may be punished separately. Violations shall be punishable by a civil penalty according to the following schedule:
  - i. The first violation in a one year period shall be punishable by a civil penalty of at least \$250, but not more than \$500.
  - ii. The second violation in a one year period shall be punishable by a civil penalty of at least \$500, but not more than \$1,000.
  - iii. The third and any subsequent violations in a one year period shall be punishable by a civil penalty of at least \$1,000, but not more than \$2,000.
  - iv. In addition to civil penalties listed above, any subsequent violations beyond three within a one year period shall constitute a nuisance subject to injunctive relief.

Revision history

*The provisions of this chapter were originally adopted as an Ordinance at the annual Town Meeting on March 12, 1962.*

*Revised 04/03/2018 – Added sec. 39-103(B)&(C), substantially revised sec. 39-104. Revised 05/21/2019-Removed sentence in Section 39-103 Noise.*