

Chapter 50 OFFENSES AND MISCELLANEOUS PROVISIONS

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Sec. 50-1. Assault; battery.

- (a) *Assault.* It shall be unlawful for any person to attempt to commit a violent injury to the person of another or to commit an act which places another in reasonable apprehension of immediately receiving a violent injury.
- (b) *Battery.* It shall be unlawful for any person to make physical contact of an insulting or provoking nature with the person of another or intentionally cause physical harm to another person.

(Code 1981, § 7-101)

Sec. 50-2. Disturbing the peace.

- (a) No person shall:
 - (1) On any street, highway, public building, in or on a public or private conveyance, or public place, engage in conduct having a direct tendency to cause acts of violence by the person at whom, individually, such conduct is directed.
 - (2) Willfully, or being intoxicated, whether willfully or not, disrupt any meeting of the governing body of any political subdivision of the state or a division or agency thereof, or of any school, literary society or place of religious worship, or any other meeting open to the public, if such disruption prevents or interferes with the orderly conduct of such meeting or has a direct tendency to cause acts of violence by the person at whom, individually, such disruption is directed.

- (3) Engage in fighting, or threaten to harm persons or property unlawfully.
 - (4) Communicate unwarranted and grossly abusive language to any person, which by its very utterance or usage inflicts injury or tends to incite an immediate breach of the peace.
 - (5) Insult, taunt or challenge another under circumstances in which such conduct is likely to provoke a violent response.
 - (6) Create a condition which presents a risk of physical harm to persons or property.
 - (7) Urinate or defecate in any public place or upon the property of any other person, except this subsection shall not apply to the use of restrooms and/or bathrooms.
- (b) Nothing described herein shall be interpreted or construed to prevent any constitutionally protected activity, including but not necessarily limited to exercise of one's constitutionally guaranteed rights of freedom of speech or assembly. No person may be convicted under this section when his sole intent for engaging in the activities for which he was arrested was to exercise one or more of the rights guaranteed to him under the Constitution of the United States or the state constitution, or to exercise any other rights guaranteed to that person by law.

(Code 1981, § 7-102)

Sec. 50-3. Indecent exposure; public indecency.

- (a) *Indecent exposure.* It shall be unlawful for any person intentionally to expose his sex organs or anus under circumstances in which he knows his conduct is likely to cause affront or alarm.
- (b) *Public indecency.* It shall be unlawful for any person to engage in any overt act of sexual gratification or expose the private or intimate parts of his body or the body of another person to public view.

(Code 1981, § 7-103)

Sec. 50-4. Willful disruption of governmental processes.

It shall be unlawful for any person to willfully interrupt or molest the orderly and peaceful process of any department, division, agency or branch of the municipal government.

(Code 1981, § 7-104)

Sec. 50-5. Impersonating a government officer or employee.

It shall be unlawful for any person not a member of the official police force of the town to wear, use, copy or imitate in any respect or manner the uniform, or the badge or other insignia prescribed for members of the official police force, and it shall be unlawful for any person to falsely represent himself to be an officer or any other government employee.

(Code 1981, § 7-105)

Sec. 50-6. Keeping or exhibiting gaming table or device; playing or betting at gaming tables and devices.

- (a) It shall be unlawful for any person to keep or exhibit any gaming table or device, under any denomination, whether played with cards, dice or otherwise or to be a partner, or concerned in interest in keeping or exhibiting gaming tables or devices.

- (b) It shall be unlawful for any person to bet at gaming tables and devices, whether played with cards, dice, or otherwise.

(Code 1981, § 7-106)

Sec. 50-7. Weapons and firearms—Carrying or brandishing.

- (a) *Carrying dangerous or deadly weapons without license or other legal authorization.* It shall be unlawful for any person, without a state license therefor or except as provided in state law, to carry about his person any revolver or pistol, dirk, bowie knife, slingshot, razor, Billy, metallic or other false knuckles, or other dangerous or deadly weapon of like or character.
- (b) *Brandishing or exposing weapons.* It shall be unlawful for any person armed with a pistol, gun or other dangerous or deadly weapon, whether licensed to carry the same or not, to carry, expose, brandish, or use such weapon in a way or manner to cause, or threaten, a breach of the peace.

(Code 1981, § 7-107)

Sec. 50-8. Same—Discharge.

It shall be unlawful for any person to discharge, within the town, any firearm, air rifle, BB gun, slingshot, or other weapon or instrument which discharges a projectile capable of inflicting bodily injury, except in the lawful defense of person or property and except in the performance of a lawful duty.

(Code 1981, § 7-108)

Sec. 50-9. Noise pollution.

- (a) It shall be unlawful for any person within the town to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the production or reproduction of sound in such a manner as to disturb the peace, quiet, and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area. The operation of any such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line from which the sound emanates or 25 feet from a vehicle on public rights-of-way is a violation of this section.
- (b) Subsection (a) of this section shall not apply to any person who is participating in a school band or in a parade for which the town has given permission.
- (c) It shall be unlawful for any person, other than personnel of law enforcement, fire department, or governmental agencies to install, use, or operate within the town a loudspeaker or sound-amplifying equipment for the purposes of giving instruction, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place, or public property.
- (d) It shall be unlawful for any person to discharge into the open air the exhaust of any power device or motor vehicle which is not equipped with a muffler, unusual, or unnecessary noise, and no such muffler or exhaust system shall be modified or used with a cutoff, bypass or similar device.
- (e) Use of unmuffled engine brakes is prohibited except in an emergency within the incorporated limits within the town. The intention of this subsection is the immediate relief of the unusual and/or unnecessary sound which annoys, disturbs the comfort, repose, health, and peace of others.

(Code 1981, § 7-109; Ord. of 10-15-2002)

Sec. 50-10. False alarm of fire.

It shall be unlawful for any person to turn in or telephone, or by use of any means or methods of communication aid or abet in making or turning in of, any alarm of fire which he knows to be false at the time of making or turning in the alarm.

(Code 1981, § 7-110)

Sec. 50-11. Riots and unlawful assemblages.

- (a) It shall be unlawful for any person to engage in a riot, rout, or unlawful assembly.
- (b) It shall be the duty of the official police force of the town to go among, or as near as may be with safety, to persons riotously, tumultuously, or unlawfully assembled, and in the name of the law command them to disperse; and if they shall not thereupon immediately and peaceably disperse, such member of the official police force of the town shall command the assistance of all persons present, and all or any part of other law enforcement personnel available to him, as need be, in arresting and securing those so assembled.

(Code 1981, § 7-111)

Sec. 50-12. Unlawful obstruction.

- (a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Obstruction means the unnecessary and improper blocking or clogging of sidewalks, other public thoroughfares, streets, building entrances and exits and other public places so as to impede reasonable pedestrian traffic and appropriate vehicle movement on streets and highways.

Public places includes streets, alleys, sidewalks, parking lots and premises of those establishments generally open for public use. It shall also include any other property, vacant or otherwise, not owned by or under the control of the person charged with violating this section.

- (b) When such public places are open to the general public, the property owner or tenant authorized to act as an agent for the property owner shall post said property with a sign to read as follows: "NO LOITERING Violators are subject to the provisions of the Bath Municipal Code." Each sign shall be red on white, 12 inches by 18 inches and posted in a visible manner on the property at intervals of no less than 30 feet on said property.
- (c) No person shall loiter in a public place in such a manner as to:
 - (1) Create or cause to be created a danger of a breach of the peace;
 - (2) Obstruct free passage of pedestrians or vehicles;
 - (3) Obstruct, molest, or interfere in any manner with any person who is lawfully in any public place.
- (d) Whenever the presence of any person in a public place is causing or is likely to cause any of the conditions as described in subsection (c) of this section, any police officer may order that person to leave the location. Any person who shall refuse to leave after being ordered to do so by a police officer shall be considered in violation of this section.

(Ord. No. 94-6, 1-2-1995)

Sec. 50-13. Malicious mischief.

- (a) It shall be unlawful for any person to take and carry away, or destroy, injure or deface any property, real or personal, not his own.
- (b) It shall be unlawful for any person willfully or maliciously to destroy or injure any of the wires, poles, insulators, or other property belonging to any telephone, telegraph or railroad company, or any public utility company.

(Code 1981, § 7-112)

Sec. 50-14. Houses of ill fame; prostitution.

- (a) *Houses of ill fame.* It shall be unlawful for any person knowingly to keep, set up, maintain, operate, own, let, sublet, or rent a house, place, building, hotel, tourist camp or other structure for the purpose of prostitution.
- (b) *Prostitution.* It shall be unlawful for any person to engage in, solicit, induce, entice, or procure another to commit or participate in an act of prostitution.

(Code 1981, § 7-114)

Sec. 50-15. Penalties.

Unless otherwise specified, a violation of any of the prohibitions set forth in this chapter shall be punishable by a fine not to exceed \$500.00. Any violation continuing from day to day shall constitute separate individual violations and may be prosecuted as such.

(Code 1981, § 7-117)

Sec. 50-16. Curfew.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Civic organization means nonprofit charitable, religious, educational, scientific, literary, social welfare, fraternal, labor and agricultural organizations.

Curfew hours means from 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, Thursday, or Friday until 5:30 a.m. the next day; and on Saturday from 11:00 p.m. until 5:30 a.m. Sunday.

Emergency means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term "emergency" includes, but is not limited to, a fire, a natural disaster, an automobile accident, a civil emergency, a healthcare emergency, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

Errand means a journey of limited duration undertaken by a minor to pick up medicine or infant food for a member of the minor's household and returning home directly, or to provide transportation for a family member whose personal transportation is disabled or who disembarks at a train or bus station or airport between 10:00 p.m. and 5:30 a.m.

Establishment means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

Guardian means a person who, under court order, is the guardian of the person of a minor, or a public or private agency with whom a minor has been placed by a court.

Minor means a person under 17 years of age.

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Operator means any individual, firm, association, partnership, corporation, or other entity managing or conducting any establishment.

Parent means a person who is a natural parent, adoptive parent, or step-parent of a minor, or a person at least 21 years of age and not legally incapacitated who is authorized by a parent or guardian to have the care and custody of a minor.

Public place means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common area of schools, hospitals, apartment buildings, office buildings, transportation facilities, and businesses.

Remain means to linger or stay in a location for other than health, crime avoidance, or vehicle repair reasons.

Serious bodily injury means bodily injury that creates a substantial risk of death, permanent disfigurement, or protracted loss or impairment of a bodily function or organ.

(b) *Offenses.*

- (1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the town during curfew hours.
- (2) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the town during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(c) *Defenses.*

- (1) It is a defense to prosecution if the minor was:
 - a. Accompanied by the minor's parent or guardian;
 - b. On an errand at the direction of the minor's parent or guardian, without any detour or stop;
 - c. In a motor vehicle involved in interstate travel;
 - d. Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - e. Involved in an emergency;
 - f. On the sidewalk abutting the minor's residence or abutting the residence of an adjacent neighbor if the neighbor did not complain to law enforcement about the minor's presence;
 - g. Attending an official school, religious, or other recreational activity supervised by adults and sponsored by the municipality or a civic organization; or going to or returning home from, without detour or stop, an official school, religious, or other event sponsored by a civic organization;
 - h. Exercising First Amendment rights such as the free exercise of religion, freedom of speech, and the right of assembly; or
 - i. Is married, or has been married, or has had the disabilities of minority removed in accordance with state law.
- (2) It is a defense to prosecution if the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the establishment premises during curfew hours and refused to leave.

(d) *Enforcement.* Before taking any law enforcement action under this article, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under these provisions unless the officer

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reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense has been provided.

- (e) *Penalties.* A person who violates this section is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.