

**Chapter 8  
Miscellaneous Offenses**

**ARTICLE 1 LOITERING**

Section

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**ARTICLE 1 LOITERING**

**Sec. 8-101 Loitering prohibited**

It shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone, and/or in consort with others in a public place in such manner as to:

1. 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 pedestrian; or
2. 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, egress, and regress, therein, thereon and thereto.

**Sec. 8-101.1 Loitering or Trespassing on Public Parking Lots**

There shall be no loitering or trespassing in all public parking lots between the hours of 8:00 p.m. and 8:00 a.m. except for parking vehicles or removing the same. Violators will be prosecuted under Maine Criminal code 17A, Sec. 402.

**Sec 8-101.2 Loitering or Trespassing in any City Park or Playground**

There shall be no Loitering or Trespassing in any City Park or Playground between the hours of 9 p.m. through 6 a.m. excepting Teague Park where, beginning Memorial Day and continuing to Labor Day there will be no loitering nor trespassing between 10 p.m. and 5 a.m. Activities sanctioned at any City Park or Playground by the Superintendent of Parks and Recreation are exempt from this ordinance. Violators will be prosecuted under Maine Criminal Code 17A, Sec. 402.

**Sec. 8-102 Definitions**

As used in this Article:

1. *Loitering* shall mean remaining idle in essentially one location and shall include the concept of spending time idly, to be dilatory; to linger; to stay; to saunter; to delay; to stand around and shall also include the colloquial expression “hanging around”.
2. *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 grounds, areas or parks.

### **Sec. 8-103 Police Order to Disperse**

When any person causes or commits any of the conditions enumerated in section 8-101, 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 this Article.

### **Sec. 8-104 Penalty**

Any person who violates any of the provisions of this Article shall be subject to a fine not exceeding \$100 dollars.

### **Sec. 8-105 Drug Free Safe Zones**

All public athletic fields, parks, playgrounds and recreation facilities under the jurisdiction of the City of Caribou shall be designated as Drug Free Safe Zones in accordance with the State of Maine Title 17-A §1101(23). Any subject apprehended dealing drugs within 1,000 feet of any designated Drug Free Safe Zone shall be subject to enhanced penalties (17-A MRSA Chapter 45, Section E).

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**Historical Note:** formerly section 106 of Chapter 8, 1956 Code; amended August 28, 1988. Section 8-101.2 as amended December 12, 2005; Section 8-105 adopted January 23, 2006.

**State Law Reference:** 17-A MRSA §§501, 502, 503, 504, 505 and 30-A MRSA §3253.

## **ARTICLE II FIREARMS**

No person or persons, except police or other public officers in the line of duty, shall discharge any firearms, or other explosive material of any kind, within the city limits of Caribou, except when authorized by the City Council.

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**Historical Note:** Chapter 8, Article I, 1956 Code; amended June 4, 1980.

**State Law Reference:** 25 MRSA §2031.

## **ARTICLE III CURFEW**

No person or persons shall be in the public area of the Downtown mall from 9:00 pm to 6:00 am. This area includes the walkway from the southern parking lot to the telephone booth at the northern end, and the walkway from the corners of the Northern National Bank and Wyman's Store on Record Street to the westerly end of the canopy at the point immediately West of the night deposit box on the Aroostook Trust Company Building. Anyone in the area without authorization from the Caribou Police Department shall be prosecuted under Maine Criminal Code 17A, § 402. Wording of the signs shall be left to the discretion of the Chief of Police and the District Attorney's Office.

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**Historical Note:** Adopted May 21, 1980.

**ARTICLE IV FALSE SECURITY ALARMS**

The following fees shall be charged for response to false alarms for any business, private residence, commercial, or public facility whose alarm systems are connected directly, by second party notification, or automated systems to the Caribou Police or Fire and Ambulance Departments for response. If, upon responding, the Caribou Police Department determines the alarm was a false alarm, then the fees shall apply. Alarm systems may be tested with prior notification to the Police Department without cause for charge.

False Alarms (per Year)

3                                      No Charge  
After 3                                 \$25.00 each

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**Historical Note:** adopted May 8, 1989; Amended October 25, 2010

**ARTICLE V NUISANCE PROPERTY ORDINANCE**

**501. Purpose; Legislative Findings.**

The purpose of this Nuisance Property Ordinance is to protect the health, safety, and welfare of the residents of the City of Caribou by reducing the recurrence of nuisance conduct in dwellings that disturbs the peace and tranquility of others. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance, because such conduct adversely affects the health, safety, and welfare of residents, and diminishes the quality of life in neighborhoods where it occurs. Such nuisance conduct, and its impact, should be abated. This Nuisance Property Ordinance is required because other prohibitions and penalties under state law and the City Code have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this ordinance is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the City’s Police Department. The goal of the City of Caribou is to provide a framework for property owners and the City to work collaboratively to address nuisance issues in the community.

**502. Definitions.**

As used in this Ordinance, the following terms have the following meanings:

“Authorized agent” means the person or entity identified by the Owner as the Owner’s authorized agent in the Caribou Property Management Designation Form on file with the City of Caribou.

"Chronic nuisance property" means any property at which five (5) or more nuisance activities have occurred in any sixty (60) day period, or ten (10) or more nuisance activities have occurred in any one (1) year period.

“Hotel”, “bed & breakfast”, “rooming house” and “apartment building” shall have the same meanings as set forth in the Caribou Code.

“Nuisance activity” or “Nuisance conduct” means-

- a) any activity which constitutes a crime or civil infraction under either federal, state or local law;
- b) illegal sale, distribution or consumption of alcoholic beverages;
- c) disorderly conduct as defined in Title 17-A MRSA §501;
- d) illegal sale, manufacture, storing, use, possession or distribution of narcotics or other controlled substances or drug paraphernalia;

For the purpose of this ordinance, calls related to domestic violence complaints shall not be considered a nuisance activity or nuisance conduct.

For the purpose of this ordinance, calls related to a chronically ill person who has repeated visits by emergency services shall not be considered a nuisance activity or nuisance conduct.

“Owner” means any person or entity with legal title to the property or the beneficial interest in a property as recorded in the tax records of the City of Caribou or Aroostook Registry of Deeds.

“Police Chief” means the acting Chief of Police of the City of Caribou or other official of the Police Department as may be designated by the Police Chief.

“Residential property” means (a) a parcel of land on which a residential building or a building of mixed occupancy in which there is at least one residential occupancy, including, single and multi-family dwellings, apartment buildings and multi-family housing developments.

**503. Administration; Notice; Meeting with Property Owner(s).**

- a. The Police Department shall document and monitor the occurrence of nuisance conduct at properties in the City of Caribou.
- b. When any occurrence of nuisance conduct has taken place, it will be recorded by the Police Chief or his/her designee who shall provide written notice of the occurrence to the property owner and the authorized agent in accordance with Section 509.
- c. Each written notice of nuisance conduct shall identify the property, describe the nuisance conduct and advise that subsequent nuisance conduct may result in the property being classified as a chronic nuisance property. The notice shall request that the property owner (or the owner’s duly authorized agent) contact the Police Chief within ten (10) days to discuss the nuisance incident and develop a plan to abate the nuisance and prevent a recurrence.

- d. An owner wishing to appoint an agent with the authority to act on the owner's behalf must complete the City of Caribou Property Management Designation Form. Only agents duly appointed through the approved Property Management Designation process shall be authorized to act on behalf of the Owner. If an owner has completed a Property Management Application Form with the City office, all written notices will be mailed to the authorized agent in addition to the owner.

**504. Declaration of a Chronic Nuisance Property**

- a. If there have been five (5) or more documented occurrences of nuisance conduct at any property in any sixty (60) day period, or ten (10) or more occurrences of nuisance conduct in the preceding year, the property shall be classified as a chronic nuisance property.
  - i. For purposes of calculating the number of occurrences of nuisance conduct which have occurred at a particular property, the following rules shall apply:
    - 1. All occurrences of nuisance conduct which occur at a single family residence, multi-family residence of 1-4 units, bed and breakfast, hotel, motel, or rooming house shall be counted against the property as a whole regardless of the number of units;
    - 2. With respect to apartment buildings with 5 or more units, a property will only be classified as chronic nuisance property if any individual apartment unit exceeds the specified limit. By way of example, a 30 unit apartment complex will only be classified as a chronic nuisance property if there are 5 or more occurrences of nuisance conduct at the same apartment unit in any 60 day period or 10 or more occurrences at the same unit in any one year period.
- b. Whenever a property is classified as a chronic nuisance property, the City shall cause the owner of the property to be notified, in writing, of such classification and of the events which form the basis for that designation. The notice shall require the owner or owner's agent to meet with the Police Chief or his designee(s) within ten (10) business days from the date of delivery of the written notification to identify ways to prevent additional nuisance conduct at the property.
- c. At the time of the nuisance property meeting required under section 504 (b), the owner or his/her designee shall be obligated to provide to the city the following documentation:
  - i. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property` and the units they occupy;
  - ii. Copies of all leases with tenants residing in the building(s) on the property; and

- iii. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner or his/her designee must agree to take effective measures to abate the nuisance activity which measures shall be memorialized in a written remediation agreement at the conclusion of the meeting with the City. The written agreement shall be signed by both parties and be implemented by the owner within seven 7 days of said meeting unless another date is agreed upon.

**505. Duration of Chronic Nuisance Property Classification.**

The chronic nuisance property classification shall be removed from the property by the Chief of Police upon the Chief's determination that:

- a. The passage of 180 days without any nuisance conduct at the property;
- b. Payment of all civil penalties and costs arising from enforcement;
- c. Satisfactory implementation of the remediation agreement agreed upon between the City and owner.

**506. Declaration of Public Nuisance**

A chronic nuisance property is hereby declared to be a public nuisance.

The owner of residential property shall provide sufficient control, oversight, monitoring and management of the property to prevent the same from becoming a chronic nuisance property.

The owner of a chronic nuisance property shall be responsible for taking all necessary measures to abate or eliminate the public nuisance.

**507. Violations**

- a. No owner of property shall maintain or allow to be maintained a chronic nuisance property as defined in this Ordinance. Each and every day that a nuisance activity occurs on a property after it has been classified as a chronic nuisance property shall constitute a separate offense.
- b. It is a further violation of this Ordinance for any owner to:
  - i. refuse to meet with the Police Chief or other authorized City official as required by Section 504 (b), or to have the owner's duly authorized agent meet with the Chief; or
  - ii. refuse to enter into a written remediation agreement as required by Section 504 (c); or
  - iii. fails to fully implement the remediation agreement in compliance with the timetable specified in the agreement; or
  - iv. fails to abate or eliminate the public nuisance caused by a chronic nuisance property.

**508. Civil Penalty**

Any person who is found in violation of any provision of this Ordinance shall be subject to a civil penalty of not less than \$250.00 and not more than \$2,500.00. Each violation of a separate provision of this Ordinance and each day of violation shall constitute separate offenses.

In addition, if the City is the prevailing party in any enforcement action, said Owner shall also be liable for all reasonable expenses incurred by the City in enforcement, including City of Caribou staff time, attorney fees and costs. All civil penalties shall inure to the benefit of the City of Caribou.

**509. Notices**

Any notice authorized or required within this section shall be deemed delivered to the owner as follows:

- a. if notice is provided by certified mail, return receipt requested, the date the owner signs the receipt; or
- b. the date the owner is personally served by a Caribou police officer; or
- c. the date the owner is personally served by another person authorized to effect service of process.

**510. Other Remedies**

In addition to a civil penalty, the City may seek injunctive relief in any legal action to enforce this Ordinance and to abate the public nuisance.

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**Historical Note:** Adopted by the City Council on February 23, 2015.