

Town of Bridgton

Ordinance to Control Disorderly Houses



Enacted 06/12/2011
Amended 06/08/2021

**TOWN OF BRIDGTON, MAINE
ORDINANCE TO CONTROL DISORDERLY HOUSES**

ARTICLE I. PURPOSE

The purpose of this Ordinance is to protect the health, safety, and welfare of Bridgton residents by controlling persistent unlawful and nuisance activities occurring on residential properties without penalizing victims of crime or violence or deterring victims from seeking assistance or protection from law enforcement.

ARTICLE II. AUTHORITY

This Ordinance is adopted and hereafter amended pursuant to 30-A M.R.S. § 3001 et seq.

ARTICLE III. ADMINISTRATION

This Ordinance shall be administered by the Town of Bridgton Select Board (the "Select Board") and the Town of Bridgton Police Chief (the "Police Chief").

ARTICLE IV. DEFINITIONS

Section 4.1 Disorderly Event means any one or more of the following situations created, originating, or conducted on a Residential Property which would unreasonably disturb an ordinary individual of normal sensitivities at or beyond the property line of the Residential Property:

- A. Excessively loud music or noise;
- B. Activating a device, or exposing a substance, that releases noxious and offensive odors;
or
- C. Engaging in fighting without being licensed or privileged to do so.

Section 4.2 Disorderly House means any Residential Property to which law enforcement officers have been dispatched, in response to complaints or on their own initiative, three (3) or more times in any thirty (60) day period, and if three (3) or more such dispatches are substantiated Disorderly Events pursuant to Article V.

Section 4.3 Mixed-Use Building means a building used for any non-residential purpose that also contains a residential occupancy therein.

Section 4.4 Residential Property means:

- A. Any parcel of land on which a residential building or Mixed-Use Building is located;
- B. Any residential building, including single-family dwellings, multi-family dwellings, rooming houses, or boarding houses; or
- C. Any residential occupancy in a Mixed-Use Building.

ARTICLE V. DOCUMENTATION AND CLASSIFICATION OF DISORDERLY EVENTS

The Bridgton Police Department shall document all disturbance complaints and law enforcement officer dispatches, whether arising in response to a disturbance complaint or on the initiative of a law enforcement officer, relating to conduct that may qualify as a Disorderly Event, as defined herein. The Police Chief shall review all such documentation and classify each such dispatch as either a substantiated Disorderly Event or as an unsubstantiated complaint or observation; *provided, however*, that the Police Chief shall not classify any such dispatch as a substantiated Disorderly Event if the dispatch arose from a disturbance complaint that was made by or on behalf of a potential victim of violence or crime in order to seek police assistance or protection for the complainant or for a resident of the affected Residential Property, including but not limited to protection from domestic violence.

ARTICLE VI. NOTICE OF CLASSIFICATION OF DISORDERLY EVENT

Whenever the Police Chief classifies a dispatch as a substantiated Disorderly Event pursuant to Article V, the Police Chief shall notify the owner, property manager, or rental agent of the affected Residential Property by phone and in writing within seven (7) days of each such classification. If, within any 60-day period, the Police Chief classifies three (3) or more dispatches as a substantiated Disorderly Event pursuant to Article V, the Police Chief shall notify the Select Board of the classification and provide the Select Board with all documentation relied on by the Police Chief to make the classifications that is not designated confidential by statute or is otherwise privileged or confidential.

ARTICLE VII. HEARING BY SELECT BOARD; ACTIONS

Upon receiving notice from the Police Chief pursuant to Article VI, the Select Board shall schedule a public hearing to determine whether the evidence supports a finding that the affected Residential Property is a Disorderly House. The Select Board shall provide written notice of the date, time, and place of the hearing to the property manager or rental agent, as applicable, and to the owner of the affected Residential Property by mail, certified with return receipt requested, or by delivery in-hand. If any of the Police Chief's classifications arose from the conduct of a tenant of the affected Residential Property, the Select Board shall also provide written notice of the date, time, and place of the hearing to the tenant by mail, certified with return receipt requested, or by delivery in-hand. The notice shall contain a statement of the alleged violation of this Ordinance and a summary of the possible monetary penalties, as set forth in Article XI.

The Chair of the Select Board or his/her designee shall preside at the hearing. The Police Chief shall be heard first and shall be followed by the person(s) named in the notice. Any party may cross-examine witnesses and may be represented by an attorney. After the hearing, the Select Board shall make written findings as to whether, based upon a preponderance of the evidence presented, the affected Residential Property is Disorderly House.

ARTICLE VIII. ACTIONS UPON FINDING OF A DISORDERLY HOUSE

If, after notice and hearing, the Select Board finds that the Residential Property in questions is a Disorderly House, the Select Board may enter into a consent agreement with the person(s) named in the notice to control or mitigate the type of conduct which led to a finding of Disorderly House. If the terms of a consent agreement cannot be agreed upon, the Select Board may refer the matter to the Town Attorney for legal action.

ARTICLE IX. VIOLATIONS

The following shall be violations of this Ordinance:

1. Maintaining a Disorderly House,
2. Failure to comply with the terms of a consent agreement.
3. Failure to appear at a duly noticed hearing by the Select Board concerning a Disorderly House.

Nothing in this Ordinance shall preclude the Town from seeking other remedies provided by law for the conduct described herein, including, without limitation, those remedies provided by 17-A M.R.S. § 501-A.

ARTICLE X. PENALTIES

Violation of this Ordinance shall be punishable by a civil penalty of not less than \$100 and not more than \$2,500. Each day that the violation exists shall constitute a separate offense. . In addition to or in lieu of assessing a monetary penalty, the Town may enter into a consent agreement to correct or abate a violation of this Ordinance. The Town may also seek injunctive relief. If the Town prevails in a legal action to enforce this Ordinance, it shall also be entitled to an award of reasonable attorney's fees and costs.

ARTICLE XI. SEVERABILITY

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of this Ordinance.

Enacted: June 12, 2007

Amended: June 8, 2021