

## **Chapter 147**

### **PEACE AND GOOD ORDER**

**[HISTORY: Adopted by the Special Town Meeting of the Town of Lee 5-26-1971 by Art. 10 as Sec. 11-1 of the 1971 Code; amended in its entirety 5-11-1995 STM by Art. 13. Subsequent amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Alcoholic beverages — See Ch. 81.

Animals — See Ch. 84.

Noise — See Ch. 140.

#### **§ 147-1. Loitering.**

Whoever continues to stand, sit or loiter in or about any street, sidewalk or any public place so as to obstruct the free passage of travelers or vehicles thereon, after being directed by a police officer to move on or disperse, shall be punishable by a fine not to exceed \$100.

#### **§ 147-2. Obstruction of free passage.**

Whoever shall throw stones, snowballs, sticks or other missiles or throw or kick a football or play any game in which a ball or similar object is used or use a skateboard on a public street or way or sidewalk in the Town so as to obstruct the free passage of travelers or vehicles thereon shall be punishable by a fine not to exceed \$100.

#### **§ 147-3. Trespassing in municipal buildings.**

Whoever, without right, enters or remains in any school, library or municipal building in the nighttime or whenever such building is otherwise closed or who continues to remain upon the steps, portico or other projection from such building during the nighttime or whenever such building is closed and after being directed by a police officer to move on or disperse shall be punishable by a fine not to exceed \$100.

#### **§ 147-4. Enforcement.**

It shall be deemed a breach of the peace and it shall be the duty of any police officer of the Town to order any person so acting as to trespass in or upon a municipal building or to obstruct or cause the obstruction of free passage of travelers or vehicles to move on and disperse and, if the person so ordered does not forthwith obey, to remove such person or to arrest and cause such person to be brought before the Trial Court of the commonwealth upon complaint made for a violation of the provisions of the preceding §§ 147-1, 147-2 and 147-3.

#### **§ 147-5. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**LOITERING** — A person commits a violation of loitering if he or she loiters or prowls in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself or herself or any object. Unless flight by the actor or other circumstance makes it impracticable, a peace officer shall, prior to any arrest for an offense under this chapter, afford the actor any opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this chapter if the peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

**OBSTRUCT** — A person who, having no legal privilege to do so, purposely or recklessly obstructs any highway or other public passage, whether alone or with others, commits a violation. "Obstructs" means renders impassable without unreasonable inconvenience or hazard. No person shall be deemed guilty of recklessly obstructing in violation of this chapter solely because of a gathering of persons to hear him or her speak or otherwise communicate or solely because of being a member of such a gathering.

- A. A person in a gathering commits a violation if he or she refuses to obey a reasonable official request or order to move:
  - (1) To prevent obstruction of a highway or other public passage; or
  - (2) To maintain public safety by dispersing those gathered in dangerous proximity to a fire or other hazard.
- B. An order to move, addressed to a person whose speech or other lawful behavior attracts an obstructing audience, shall not be deemed reasonable if the obstruction can be readily remedied by police control of the size or location of the gathering.