

## Chapter 12

### OFFENSES AND MISCELLANEOUS PROVISIONS

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#### **Sec. 12-1. Amplifying sound--Permission to operate.**

It shall be unlawful for any person to operate or cause to be operated any loudspeaker, public address system, any type sound truck or so-called sound system in public without first obtaining permission from the town council to do so.

(Code 1948, Ch. V, § 4; Ord. of 9-28-54)

#### **Sec. 12-2. Same--Prohibited on streets.**

It shall be unlawful for any person to operate or cause to be operated any loudspeaker, public address system, sound truck or so-called sound system on any street or highway in the town.

(Ord. of 6-29-59)

#### **Sec. 12-3. Destruction or damaging of property--Street markers, etc.**

It shall be unlawful for any person to wantonly break down, injure, remove, mar or destroy any monument or other memorial erected for the purpose of designating the boundaries of any street, highway or turnpike, or any tree, stake or other thing marked for that purpose, or break down, injure, remove, mar or destroy any milestone, street signboard or mile-board erected upon a highway or turnpike, or wantonly deface or alter the inscription upon any such stone, board or tree.

(Code 1948, Ch. XI, § 1)

**Cross References:** Removing trees from streets, § 14-4; removing gravel, etc., from streets, § 14-2.

**State Law References:** Damaging public property generally, G.L. 1956, § 11-44-12 et seq.

#### **Sec. 12-4. Same--Buildings; drawing on.**

It shall be unlawful for any person to intentionally mutilate or disfigure any fence, building or railing, or

wantonly write or draw upon any of them any obscene words, pictures or figures.  
(Code 1948, Ch. XVI, § 1)

**State Law References:** Similar provision, G.L. 1956, § 11-44-11.

**Sec. 12-5. Same--Streetlights.**

It shall be unlawful for any person to maliciously, wantonly or carelessly break, throw down, extinguish or otherwise injure any lamp or lantern erected for the purpose of lighting any street, highway, bridge or public place or ground set apart for public purposes in this town, whether the same shall have been erected by the town or any other corporation, or by any individual.

(Code 1948, Ch. XVI, § 2)

**State Law References:** Similar provision, G.L. 1956, § 11-44-14.

**Sec. 12-6. Same--Painting on.**

It shall be unlawful for any person to maliciously, wantonly or carelessly daub with paint, cut, break or otherwise injure, or by scratching or writing with paint, blacking, chalk or in any other way or manner deface any post, lamppost, fence, tree, tree-box, house or other building, situate in or upon any street, highway, bridge or public place or ground set apart for public purposes in this town, or any ornament or appurtenance of such post, lamppost, fence, tree, tree-box, house or other building.

(Code 1948, Ch. XVI, § 3)

**Sec. 12-7. Bathing in public places.**

It shall be unlawful for any person, in the daytime, unless properly clothed, to bathe in any public place, or within one-eighth of a mile of any public highway or any street.

(Code 1948, Ch. XVIII, § 1)

**State Law References:** Authority to prohibit indecent bathing, G.L. 1956, § 45-6-1.

**Sec. 12-8. Obstructing street, etc.--Standing or sitting.**

It shall be unlawful for any person to stand, sit or remain on or near any highway, bridge, sidewalk, crosswalk or door-step or in any doorway in the town, to the obstruction, hindrance, delay, disturbance or annoyance of passers-by, or persons doing business in the vicinity thereof, or of the owner of adjacent premises.

(Code 1948, Ch. VII, § 12)

**Sec. 12-9. Same--Congregating on sidewalk.**

Three or more persons shall not stand in a group near each other on any footpath or sidewalk so as to obstruct a free passage for foot passengers and fail to move on immediately when requested to do so by any police officer.

(Code 1948, Ch. V, § 4; Ord. of 2-26-57)

**Sec. 12-10. Possessing alcoholic beverages by minors.**

It shall be unlawful for any person who has not attained the age of 18 years to consume or have in his possession or be in the company of anyone who has not attained the age of 18 years who has in his possession

alcoholic beverages of any kind on public highways, beaches, picnic areas or any other public place within the town.

(Code 1948, Ch. V, § 5; Ord. of 1-30-62, § 1)

### **Sec. 12-11. Disorderly conduct.**

It shall be unlawful for any person to revel, scream, quarrel, fight or otherwise behave in an indecent or disorderly manner, to the disturbance or annoyance of the peaceable inhabitants of the town, or to aid, assist, encourage or promote the same to be done.

(Code 1948, Ch. V, § 1)

### **Sec. 12-12. Intoxication.**

It shall be unlawful for any person to be intoxicated under such circumstances as to amount to a violation of decency in any highway, street, public building or other public place in the town.

(Code 1948, Ch. V, § 2)

### **Sec. 12-13. Reserved.**

**Editors Note:** Ord. of July 17, 1978, repealed § 12-13 which pertained to use regulations in park and recreation areas, derived from Code 1948, Ch. V, § 4; Ord. of April 9, 1973; and Ord. of Aug. 20, 1973. Such regulations are in Ch. 12 1/2.

### **Sec. 12-14. Smoking prohibition.**

(a) *School buildings and grounds.* It shall be unlawful for any person to engage in the smoking of tobacco in the form of cigarettes, cigars or the like or any other substances used to smoke, such as pipe tobacco, etc., in any school building or upon any school grounds of any type.

(b) *Municipal buildings.* It shall be unlawful for any person to engage in the smoking of tobacco in the form of cigarettes, cigars, or the like or any other substances used to smoke, such as pipe tobacco, etc., in any municipal building. Smoking will be allowed in designated areas on municipal grounds outside of municipal buildings and in such designated areas as provided for by federal and/or state law.

(c) *Recreational buildings and grounds.* It shall be unlawful for any person to engage in the smoking of tobacco in the form of cigarettes, cigars or the like or any other substance used to smoke, such as pipe tobacco, etc., in any building used for recreation or on any recreational grounds used for youth activities, such as playgrounds, athletic fields, etc.

(d) *Fines.* Any person charged with a violation of the above shall be subject to a fine of \$50.00.  
(Ord. of 11-24-97)

### **Sec. 12-15. Loitering.**

#### **Sec 12.15.1 Definitions.**

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

## **Loitering**

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.”

## **Public Place**

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 public grounds, areas or parks.

### **Sec. 12-15.2 Prohibited Acts.**

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

- (a) 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 pedestrians.
- (b) 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. 12-15.3 Enforcement; Violations and Penalties.**

When any person causes or commits any of the conditions enumerated in Sec. 12-5.2 herein, 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 subject to a fine not in excess of five hundred dollars (\$500.00).

(Ord. of 06/15/15)

### **Sec. 12-16. Sex offender residency restrictions**

#### **Sec. 12-16.1 Purpose**

The Town of North Smithfield recognizes that sex offenders who prey upon children have a high rate of recidivism. The Town of North Smithfield has an obligation to protect the health, safety, and welfare of its children by prohibiting access by convicted sex offenders to areas where there is a concentration of children under the age of 16 years.

**Sec. 12-16.2 Definitions**

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

**Child Safety Zone**

Encompasses the premises of any school, day-care or recreational area, defined herein, as well as a One Thousand (1000) foot radius surrounding each premises

**Loiter**

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," as defined in Sec. 12-15.1.

**Premises**

The building or structure including the playground area, playing fields, courts and parking lots accessory to the building or structure.

**Radius**

Distance to be measured from the perimeter of the premises outward in a straight line, as long as within the boundaries of the Town of North Smithfield.

**Recreational Areas**

Public areas owned by the Town of North Smithfield. The following locations in North Smithfield are considered recreational areas under this chapter:

<u>Plat #</u>	<u>Lot #</u>	<u>Street #</u>	<u>Address</u>	<u>Field/Park</u>	<u>Name</u>
2	36	83	Green Street	Park Grounds	Behind Kendall-Dean School
2	41	358	Victory Highway	School Grounds	Halliwell School
3	14		St. Paul Street	Playground	
3	135		Off St. Paul Street	Park Grounds	Paul S. Kelly Complex
4	224	11	Main Street	Park/Playground	Pacheco Park
5	5		School Street	Park Grounds	Behind Kendall-Dean School
9	120		Milton/Arnold Corner	Playground	
9	591	575	Smithfield Road	Bushee Playground	Behind NS Police Station
15	44	412	Greenville Road	School Grounds	NS Middle/High School
19	86	2214	Providence Park	School Grounds	NS Elementary School

**Registered Sex Offender**

Those individuals required to register pursuant to R.I. Gen. Laws § 11-37.1-3 according to R.I. Gen. Laws §§ 11-37.1-4

and 11-37.1-5, including those persons having been found guilty of a "criminal offense against a minor" as defined in R.I. Gen. Laws § 11-37.1-2(e), and required to register pursuant to R.I. Gen. Laws § 11-37.1-3.

### **School Day Care**

Any public or private educational facility that provides services to those 18 years or younger or a licensed day-care facility that is clearly marked by at least one sign.

#### **Sec. 12-16.3 Restrictions.**

(a) Any person who is a registered sex offender, as defined herein, shall not reside within a One Thousand (1000) foot radius of a school, day-care, or recreational area, as defined herein, subject to the exceptions outlined in this chapter.

(b) Any person who is a registered sex offender, as defined herein, is prohibited from entering upon or loitering within a One Thousand (1000) foot radius of the premises of a school, day care center, or recreational area, as defined herein, subject to exceptions outlined in this chapter.

#### **Sec. 12-16.4 Exceptions.**

The provisions of this chapter shall not apply to:

(a) Any person whose name has been removed from the Rhode Island Sex Offender Registry or from the registry of any other state or in the federal or military system by act of a court or by the expiration of the term such person is required to remain on such registry or such person is reclassified as a Level 1 offender or lowest offender category in another jurisdiction.

(b) The premises in the child safety zone also supports a church, synagogue, mosque, temple or other house of religious worship, subject to all of the following conditions:

1. The registered sex offender's entrance and presence upon the premises occurs only during hours of worship or other religious program/service as posted to the public; and
2. The registered sex offender shall not participate in any religious education programs that include individuals under the age of 18.

(c) The premises also support a use lawfully attended by a registered sex offender's natural, adopted, or stepchild(ren), which child's use reasonably requires the attendance of the registered sex offender as the child's parent upon the premises, including a school, subject to the following conditions:

1. The registered sex offender's entrance and presence upon the premises occurs only during the hours of activity related to the use as posted to the public.
2. If the premises under this exception is a school or day care, the registered sex offender may enter upon

the property supporting the school at which time the registered sex offender is enrolled, for such purposes and at such times as are reasonably required for the educational purposes of the school.

(d) The premises also support a polling location in a local, state or federal election, subject to all of the following conditions:

1. The registered sex offender is eligible to vote;
2. The property is the designated polling place for the registered sex offender; and
3. The registered sex offender enters the polling place premises, proceeds to cast a ballot with whatever usual and customary assistance is to any member of the electorate, and vacates the property immediately after voting.

(e) The premises also support a court, government office or room for public governmental meetings, subject to all of the following conditions:

1. The registered sex offender is on the premises only to transact business at the government office or place of business, or attend an official meeting of a governmental body; and
2. The registered sex offender leaves the property immediately upon completion of the business or meeting.

(f) A registered sex offender residing within a one thousand (1000)-foot radius of the premises of a school, daycare, or recreational area, as defined herein, is not in violation of this chapter if his or her residence was established prior to the date of adoption of this chapter, and the registered sex offender's residency has been continuously maintained. A registered sex offender is not in violation of this chapter if, after the passage of this chapter, the premises of a school, day care or recreational area is located or expanded to within the one thousand (1000)-foot radius of his or her residence and said residence has been continuously maintained.

### **Sec. 12-16.5 Notice**

The Chief of Police or his designee shall make reasonable efforts to provide prompt, actual written notice of the enactment of this chapter (which notice shall contain a copy of the chapter) to all persons who are listed on the Sex Offender Registry, as of the effective date of this section and who are covered under this chapter, as well as those persons who are added to the Sex Offender Registry at such levels thereafter, which persons' addresses (as shown on the Sex Offender Registry) are within the Town of North Smithfield. Such notice requirement may be satisfied by personal service upon the registered sex offender by a member of the North Smithfield Police Department at the last known address of such person as listed on the Sex Offender Registry or as otherwise known to the Chief of Police. The failure of any person to receive such actual notice shall not be a defense to a violation of this section.

### **Sec. 12-16.6 Violations and Enforcement.**

(a) Enforcement. If a police officer reasonably believes that a registered sex offender is in a child safety zone in violation of this chapter, the officer shall require the suspected registered sex offender to provide his/her name, address, and telephone number. If it is established that the individual is a registered sex offender as defined in this chapter, then the officer shall issue a written citation that he/she is in violation of this section and require the person to leave the child safety zone. If the person refuses to leave or is later found to be in the same child safety zone, the penalties set forth below shall apply. A map depicting the prohibited areas shall be created by the Town and maintained by the North Smithfield Police Department. The Town shall review the map annually for changes. Said map will be available to the public at the North Smithfield Police Department.

(b) Penalties. After a written citation is issued for violation of this chapter, if the registered sex offender refuses to vacate the child safety zone, his refusal shall result in a noncriminal fine of \$125. If the registered sex offender does vacate the child safety zone after a written citation from an officer and is later found in a child safety zone, this shall result in the imposition of a civil fine of \$125. However, a second violation of the chapter shall result in the imposition of a \$250 civil fine on the registered sex offender. Additional violations of this chapter shall result in the imposition of a civil fine up to \$300 for each separate offense. A child sex offender commits a separate offense for each and every violation of this chapter.

(c) Jurisdiction. Any matters related to this chapter shall be referred to the Town of North Smithfield Municipal Court.

(Ord. of 06/15/15)