

Order 159-04/05
Given 1st reading on 2/7/05
Public Hearing & Passage: 2/23/05 6-2 (Geraghty, Leeman opposed, Cohen absent)

JILL C. DUSON (MAYOR)(A/L)
PETER O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 17 (OFFENSES, MISCELLANEOUS PROVISIONS)
ARTICLE II (OFFENSES AGAINST PUBLIC PEACE)
SECTION 17-21 MOTOR VEHICLE ALARMS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Sections 17-21 of the Portland City Code is hereby amended to read as follows:*

Sec. 17-21. Motor vehicle alarms.

(a) *Prohibition.* No registered owner of a motor vehicle equipped with an audible burglar alarm shall allow the alarm to operate for more than ten (10) aggregated minutes in any sixty (60) minute period, unless the alarm was triggered by a burglary or attempted burglary in which case the alarm shall operate for no more than twenty (20) aggregated minutes in a sixty (60) minute period. If the owner asserts that a burglary or attempted burglary activated the alarm, the owner has the burden of proving that assertion by clear and convincing evidence.

(b) The registered owner of a motor vehicle is responsible for compliance with this ordinance and for any fines, penalties, fees and costs generated by non-compliance, regardless of who has custody or control of the vehicle at the time of non-compliance, unless at that time the vehicle was stolen and the owner reported that theft to a law enforcement agency within twenty-four (24) hours of the violation of this ordinance.

(c) *Penalties.* After the first offense, a notice of the violation shall be left on the vehicle in a conspicuous location or mailed to the registered owner at the owner's last known address. Notice shall be complete upon placement on the vehicle or mailing. A subsequent violation of this ordinance shall subject the registered owner of the motor vehicle to the following fines:

(1) Second offense within a 365 consecutive day period:
\$50.

- (2) Third offense within a 365 consecutive day period:
\$100.
- (3) Fourth or any subsequent offense within a 365
consecutive day period: \$300.