

PUBLIC HEARING of the Town Council held Wednesday, June 22, 2005 at 7:15 P.M. in the Council Chamber, Town Building, Harrisville for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: None

Relative to proposed amendment to Chapter 16 of the Revised General Ordinances of the Town of Burrillville, Article I, "In General", by adding §16-5 disorderly conduct.

NOTE: The above was duly advertised in the Woonsocket Call on Friday, June 17, 2005.

1. Comments/Input/Recommendations from the Ordinance Subcommittee.

Councilor William A. Andrews, Chairman of the Ordinance Subcommittee, indicated that Colonel Bernard E. Gannon, Chief of Police, had approached the Ordinance Subcommittee to address the lack of a Disorderly Conduct ordinance. Councilor Andrews said that the Subcommittee had reviewed the proposal prepared by the Town Solicitor.

2. Comments/Input/Recommendation by Administration (Town Solicitor, Town Manager).

Michael C. Wood, Town Manager, said that the disorderly conduct ordinance had been omitted during the 2004 codification. This ordinance, he said, was to return the disorderly conduct ordinance, as modified, to the code.

Walter J. Kane, Town Solicitor, explained that the State statute includes disorderly conduct language, under which the police department has a right to proceed. Under the statute, violations would be taken to State court. Mr. Kane explained the police department's preference to bring these matters to the local municipal court, thereby saving time, travel and convenience to the people in town. Mr. Kane said that the proposed ordinance mirrors that State statute with the exception that it is a local ordinance and that violation could be addressed on the local level.

3. Proponents:

Bill Rossi of Harrisville pointed out that disorderly conduct is a criminal offense and voiced concern that the Town has no authority to impose sentences such as jail time. Mr. Kane concurred, stating that a fine could be imposed. Mr. Kane reflected on his court experience, saying that he could not recall jail time being imposed on

a first-time disorderly conduct offence. Michael C. Wood, Town Manager, pointed out that the police department would have the discretion to charge a person under either the State law or the Town ordinance.

4. Opponents: None

5. Town Council Members Comments/Input: None

6. VOTED to close the public hearing.

Motion by Councilor Jacqueline Zahn. Seconded by Councilor William A. Andrews. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

7. VOTED to adopt amendments to Chapter 16 of the Revised General Ordinances of the Town of Burrillville, Article I, "In General", by adding §16-5 disorderly conduct, as follows:

The Town Council of the Town of Burrillville hereby ordains as follows:

Chapter 16 of the Revised General Ordinances of the Town of

Burrillville Article I, “In General” is hereby amended by adding the following:

Sec. 16-5 Disorderly conduct.

A person commits disorderly conduct if he or she intentionally, knowingly, or recklessly:

(1) Engages in fighting or threatening, or in violent or tumultuous behavior;

(2) In a public place or near a private residence that he or she has no right to occupy, disturbs another person by making loud and unreasonable noise which under the circumstances would disturb a person of average sensibilities;

(3) Directs at another person in a public place offensive words which are likely to provoke a violent reaction on the part of the average person so addressed;

(4) Alone or with others, obstructs a highway, street, sidewalk, railway, waterway, building entrance, elevator, aisle, stairway, or hallway to which the public or a substantial group of the public has access or any other place ordinarily used for the passage of persons, vehicles, or conveyances;

(5) Engages in conduct which obstructs or interferes physically with a lawful meeting, procession or gathering;

(6) Enters upon the property of another and for a lascivious purpose looks into an occupied dwelling or other building on the property through a window or other opening; or

(7) Exposes his or her genitals to the view of others under circumstances in which his or her conduct is likely to cause affront, distress, or alarm to the other persons.

Sec. 16.6 Any person, including a police officer, may be a complainant for the purposes of instituting action for any violation of this section.

Sec. 16.7 Any person found guilty or who enters a plea of guilty or nolo contendere of a violation of this ordinance shall be fined not more than \$500.00.

Sec. 16.8 In no event shall subdivisions (a)(2) – (5) of this section be construed to prevent lawful picketing or lawful demonstrations including, but not limited to, those relating to a labor dispute.

Sec. 16.9 In no event shall the provisions of this section be construed to apply to breast feeding in public.

This ordinance shall take effect ten days after passage.

Adopted this 22nd day of June 2005

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors

Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

8. VOTED to adjourn at 7:21 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor Jacqueline Zahn. The motion was unanimous. Voting in favor of the motion were Council President Wallace F. Lees, Councilors Jacqueline Zahn, William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

The hearing was taped. The tape is on file with the minutes.

Louise R. Phaneuf, Town Clerk