

ORDINANCE

#06-16

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF DUBLIN, GEORGIA BY UPDATING THE DEFINITION OF LOITERING, FOUND TO BE TOO VAGUE TO ENFORCE, BY INCORPORATING THE LANGUAGE OF THE CURRENT STATE LAW, WHICH WAS RULED CONSTITUTIONAL BY THE STATE SUPREME COURT.

Whereas the Police Department reports that loitering in Dublin is a serious problem, causing dangerous public safety problems in parking lots, and giving rise to criminal activity including fights, drug sales and prostitution; and

Whereas the current ordinance forbidding loitering has been found to be too vague to be enforced by the Municipal Court of Dublin; and

Whereas the State of Georgia has a loitering statute, which has been found to be descriptive, enough of the crime not be unconstitutionally vague;

THEREFORE, BE IT ORDAINED AND ESTABLISHED by the Mayor and City Council of the City of Dublin, Georgia as follows:

The Code of Ordinances of the City of Dublin, Georgia is hereby amended by deleting in its entirety the current text of Chapter 14, Article 1, Section 14-4, titled "Loitering", and replacing it with sub-sections "a" through "f" as follows:

(a) A person commits the offense of loitering when he is in a place at a time or in a manner not usual for law-abiding individuals, under circumstances that warrant a justifiable and reasonable alarm or immediate concern for the safety of persons or property in the vicinity.

(b) Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon the appearance of a law enforcement officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object.

(c) Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Code section, afford the person an opportunity to dispel any alarm or immediate concern which would otherwise be warranted by requesting the person to identify himself and explain his presence and conduct.

(d) No person shall be convicted of an offense under this Code section if the law enforcement officer failed to comply with the foregoing procedure or if it appears at trial that the explanation given by the person was true and would have dispelled the alarm or immediate concern.

(e) A person also commits the offense of loitering when that person remains idle (including spending time idly, loafing, walking about aimlessly, driving about aimlessly, or sitting on cars, trucks, or other vehicles) at a place where there is posted a clearly visible "No loitering" sign, where the person does not leave the premises after request by the owner or a law enforcement officer.

(f) A person committing the offense of loitering shall be guilty of a misdemeanor.

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SO ORDAINED this 19th day of **October 2006**, by a vote of (7) FOR and

(0) AGAINST.

PHIL BEST, MAYOR

ATTEST:

JOE KINARD, CITY CLERK

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