

Chapter 9.21

LOITERING

Sections:

9.21.010 Loitering.

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- A. For the purposes of this Chapter, the terms “loiter” or “loitering” shall mean remaining idle in one location or substantially the same location, and includes the concepts of spending time, loafing, walking about aimlessly and the colloquial expression of “hanging around”.
- B. It is unlawful for a person to Loiter 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 person takes flight upon appearance of a law enforcement officer, refuses to identify themselves, or manifestly endeavors to conceal themselves or any object. Unless flight by the person or other circumstance makes it impracticable, a law enforcement officer shall, prior to any arrest for an offense under this Chapter, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting said person to identify themselves and explain their presence and conduct. No person shall be convicted of an offense under this Chapter if the law enforcement officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the law enforcement officer at the time, would have dispelled the alarm.
- C. Specific instances. It is unlawful for a person to Loiter in a public place in such a manner as to:
 - 1. Create or cause to be created a danger of breach of the peace;
 - 2. To obstruct, or threaten the obstruction of other persons or vehicles, which shall include, but not be limited to, sitting or lounging upon sidewalks, parking lots or other public ways;
 - 3. Molest or interfere with any person lawfully in a public place, including, but not limited to, making unsolicited statements of an offensive, insulting or inflammatory nature, which are calculated to, or tend to incite an immediate breach of the peace by any person to whom, or in whose hearing, they are made.
- D. Notwithstanding the foregoing, no person shall be guilty of Loitering unless such person refuses or fails to leave the location or moves to another public location and continues to Loiter there.
- E. Any person, firm or corporation violating the provisions of this Chapter shall, upon conviction, be fined fifty (\$50) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Ord. 2008-M-76 § 2.)