

ORDINANCE NO. 120

AN ORDINANCE DECLARING LOITERING UNLAWFUL; PROHIBITING OBSTRUCTIONS TO STREETS AND SIDEWALKS; PROVIDING FOR CERTAIN EXEMPTIONS; PRESCRIBING A PENALTY THEREFOR AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Manor, its citizens and police force have continuously experienced violence and illegal conduct by individuals loitering upon the streets of Manor, Texas;

WHEREAS, an ordinance is urgently needed to preclude such activity and restore order to the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANOR, TEXAS that:

Section 1. Loitering Unlawful

It shall be unlawful for any person to loiter, as hereinafter defined, in, on, or about any place, public or private, when such loitering is accompanied by activity or is under circumstances that afford probable cause for alarm or concern for the safety and well-being of persons or for the security of property, in the surrounding area.

Section 2. Obstructions to Streets and Sidewalks Prohibited

It shall be unlawful for any grouping or assemblage of persons, whose standing, remaining or congregating upon any public street or sidewalk in the City shall obstruct, prevent or interfere with the free or unobstructed use of said street or sidewalk by other persons, to fail or refuse to move on or to disperse upon being ordered to do so by any police officer of the City or peace officer of the City, unless said grouping or assemblage of persons has first obtained a permit to parade from the City Secretary.

Section 3. Obstructions to Building Entrances and Exits Prohibited

It shall be unlawful for any person, grouping or assemblage of persons, whose standing, remaining or congregating upon any entrance, alcove or steps leading from a public street or sidewalk to the entrance or exit of any public or private building or structure in the City shall obstruct, prevent, or interfere with the free or unobstructed use of said entrance or exit, or of the street or sidewalk adjacent thereto, by other persons; to fail or refuse to move on or disperse upon being ordered to do so by any police officer of the City or other peace officer.

Section 4. Definitions

City: The City of Manor, Travis County, Texas.

Loiter: The term "loiter" shall include the following activities: the walking about aimlessly without apparent purpose; lingering; hanging around, lagging behind; the idle spending of time; delaying, sauntering and moving slowly about; where such conduct is not due to physical defects or conditions.

Place: The term "place" public or private, shall include, but not be limited to, the following: all places commonly known as being distinctively public, such as public streets, public restrooms, sidewalks, parks, municipal airports, parking lots, alleys and buildings, all places privately owned but open to the public generally such as shopping centers, transportation terminals, retail stores, movie theaters, office parking lots, buildings, restaurants, clubs and taverns, and all places distinctively private, such as homes or private residences and apartments houses.

Surrounding Area: The term "surrounding are" shall be defined as follows: The area easily and immediately accessible to the person under observation.

Section 5. Examples of Loitering Activities

The term "loiter" is herein defined to include any of the following activities, although this list is not meant to be all inclusive:

1. Lingering in the streets, sidewalks, parking lots, or vicinity of a business, in which the person has no ownership or employment interest, either within or outside of a vehicle, when the premises are not open for business to the public.

2. Failure to leave private property when requested to do so by the owner, manager, proprietor, or lessee of such property.

3. Walking, standing, driving a vehicle, or parking a vehicle in the business district or nonresidential areas of the City under circumstances that show no apparent business or employment related need for such activity.

4. Lingering in the street, sidewalks, or vicinity of a residence, either within or outside of a vehicle, without the permission of the owner or tenant of the residence.

5. Lingering in the streets, alleys, sidewalks, parks or other public places, either within or outside of a vehicle, under circumstances that show no apparent reason or business to do so.

6. The systematic checking by a person of doors, windows, or other means of access to buildings, houses, or vehicles.

7. Repeated activity by a person, continuous or broken, which outwardly manifests no purpose, such as going from one place to another and back with no showing of use for such movement.

8. Continuous presence by a person in close proximity to any building, house, vehicle, or any other property or to any other person at any time when the activity of such person manifests possible unlawful activity, such continuous presence being for an unreasonable period of time under the circumstances then existing.

Section 6. Exemptions

The following activities shall not be considered "loitering" and shall be exempt from the provisions of this section.

1. A person shall not be considered loitering while in direct route, and not lingering to or from work or to or from their place of residence.

2. A person shall not be considered loitering while engaged in the repair of a disabled vehicle.

3. A person under the age of eighteen (18) shall not be considered loitering while engaged in, or in direct route to school, church, or entertainment activities with permission of his or her parent or guardian.

4. A person shall not be considered loitering while sleeping in a vehicle, provided the vehicle is parked on private property with the permission of the owner or manager of the premises, or if the vehicle is parked on public property, with permission of a police officer.

Section 7. Violations

Any person who violates any of the provisions of this Ordinance shall be subject to a fine not exceeding Five Hundred (\$500) Dollars. Any such violation shall constitute a separate offense on each successive day continued.

Section 8. Effective Date.

This ordinance shall become effective on August 1, 1994.

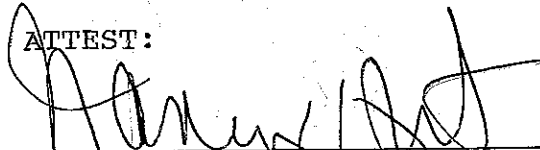
PASSED, ADOPTED AND APPROVED this 20th day of July, 1994.

THE CITY OF MANOR, TEXAS



JOYCE TURNER, Mayor Pro Tem

ATTEST:



NANCY BOATRIGHT, City Secretary