

ORDINANCE NO. 99-03
LOITERING ORDINANCE

WHEREAS, the City of Fort Gaines has a compelling interest in protecting the safety of the persons and property within the City; and

WHEREAS, the City of Fort Gaines finds that the unregulated standing about, sitting or lying down by individuals on public property or upon private property used for public purposes does hinder the free passage of pedestrians and vehicles, thereby posing a danger to public safety; and

WHEREAS, the Official Code of Georgia specifically reserves the authority of the municipalities to regulate and prohibit loitering within the limits of said municipalities at

O.C.G.A. 16-11-36(d);

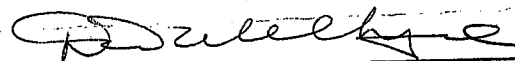
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Gaines; and it is hereby resolved by authority of the same:

Section 1. The Code of Ordinances of the City of Fort Gaines, Georgia, Chapter 58; "Offenses Miscellaneous Provisions", is amended by addition of the following section to be known as 58-6, "Loitering" as follows:

- (a) It shall be unlawful for any person, after first being warned by a police officer, to be 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. 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 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. No person shall be convicted of an offense under this 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.
- (c) In accordance with Article IV, Section 4.13 (c) of the Charter of the City of Fort Gaines, violation of this ordinance shall subject an individual to a fine not to exceed \$1,000 or imprisonment not to exceed six months, 180 days, or both.

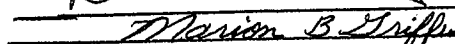
Section 2. all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SO ORDAINED, this 5th day of MAY, 1999.



CITY OF FORT GAINES

BY: Mayor, David Wetherby

 Attest: City Clerk, Marion B. Griffin