

CHAPTER 7.28

LOITERING

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7.28.01 Definitions As used in this chapter, the words and phrases, except where the context clearly indicates otherwise, shall mean:

Business parking lot - Any parking lot adjacent to or in the immediate vicinity of any store, restaurant, gasoline station, industrial facility, commercial building, or other building within the city of Harrison, to include all public parking lots. (Ord. No. 1112, Sec. 1(a))

Private parking lot - Any parking lot or other area where parking is allowed within the city of Harrison, that is privately owned. (Ord. No. 1112, Sec. 1(b))

Owner - The owner of or a person responsible for or in charge of a lot, including any person authorized in writing by the owner to exercise rights granted by the owner. (Ord. No. 1112, Sec. 1(c))

Public highways - As defined by state law: Any highway, county road, state road, public street, avenue, alley, park, parkway, driveway, or any other public road or public place in any county, city, village or incorporated towns. (Ord. No. 1112, Sec. 1(d))

Loiter - To linger or remain. (Ord. No. 1112, Sec. 1(e))

Trespass - To purposely enter or remain unlawfully in or upon a vehicle or the premises of another. (Ord. No. 1112, Sec. 1(f))

Congregate - To collect together; to come together; to assemble. (Ord. No. 1112, Sec. 1(g))

7.28.02 Unlawful It shall be unlawful for any person to loiter, congregate, trespass either alone and/or in consort with others in such a manner so as to:

- A. Obstruct any public highway, public sidewalk or any other public or private business if doing so obstructs or interferes with the free and uninterrupted use of the property or with any business lawfully conducted by anyone in or upon or facing or fronting on such public highway, public sidewalk or any other public or private business, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon, or thereto. (Ord. No. 1112, Sec. 2(a))
- B. When any person causes or commits any of the conditions enumerated in Subsection (A) of this Section, a law enforcement officer shall order that person to cease or stop causing or committing such conditions and to move on or to disperse. Any person who fails or refuses to obey such order shall be guilty of a violation of this chapter and shall be subject to the penalties of this chapter. (Ord. No. 1112, Sec. 2(b))

7.28.03 Trespassing unlawful It shall be unlawful for any person to trespass on any business parking lot (private or public), public highway, public sidewalk at any time if doing so is prohibited by the owner, as shown by a sign posted on the premises. (Ord. No. 1112, Sec. 3)

7.28.04 Sign must be posted This chapter shall be in effect at any business premises where the business owner has posted a sign or signs on the premises which are clearly visible to an ordinarily prudent individual. Each sign shall contain substantially the following language:

NO CONGREGATING, CRUISING OR LOITERING
VIOLATORS MAY BE PROSECUTED

or

NO PARKING OR TRESPASSING
BETWEEN P.M. AND A.M.
VIOLATORS MAY BE PROSECUTED

(Ord. No. 1112, Sec. 4)

7.28.05 Penalties The violation of any provision of this chapter shall be deemed a misdemeanor and any person found guilty of a violation of this chapter shall be subject to the payment of a fine not to exceed Fifty Dollars (\$50.00) and/or three (3) days of community service, together with any judgment fees and/or court costs as determined by the court. (Ord. No. 1112, Sec. 5)