

Chapter 118

LOITERING

[HISTORY: Adopted by the Mayor and Council of the City of Seat Pleasant 6-1-2015 by Ord. No. O-15-07. Amendments noted where applicable.]

§ 118-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITER — For a person to:

- A. Remain on a public street, sidewalk, or pathway, including one privately owned but used by the public in general, so as to obstruct the free passage of a pedestrian or vehicle after a regular or special police officer has notified the person that he or she is obstructing free passage and has requested the person to move;
- B. Remain in or on a vehicle on a public street, sidewalk, or pathway, including one privately owned but used by the public in general, so as to obstruct the free passage of a pedestrian or vehicle after a regular or special police officer has notified the person that he or she is obstructing free passage and has requested the person to move;
- C. Refuse or fail to leave or remove a vehicle from a private business, commercial establishment, or parking lot that is posted with conspicuous "No Loitering" or "No Trespassing" signs if such business or establishment is not open for business and the person has been requested to leave by the owner, the owner's agent, or a regular or special police officer, unless the person has written permission from the owner, lessee, or operator to be present;
- D. Refuse or fail to leave a private business or commercial establishment that is open for business, or a parking lot thereof, after having been requested to do so by the owner, the owner's agent, or a regular or special police officer;
- E. Refuse or fail to leave a public building, public grounds, public recreational area, or a parking lot thereof, after being requested to do so by a regular or special police officer or a regularly employed guard, watchman, or other authorized individual of the agency or institution responsible for such premises, if the circumstances reasonably indicate that the person has no apparent lawful business or purpose to be present at such place; or
- F. Return, for no apparent lawful business or purpose, to the same public or private property from which the person was asked to leave within the previous 24 hours.

§ 118-2. Violations and penalties.

- A. A person who loiters in violation of this chapter shall be guilty of a municipal infraction and, upon conviction or guilty plea, shall be subject to the following fine:

- (1) For the first offense, a fine of \$50; or
- (2) For a subsequent offense, a fine of \$100.

B. No person shall be charged with a violation of this chapter unless and until the arresting officer has first warned the person that he or she is in violation of obstructing free passage of a street, sidewalk or pathway and the person has failed or refused to stop the violation.