

First Reading:	<u>06/21/2016</u>
Passed:	<u>07/05/2016</u>

## **AN ORDINANCE**

**No. 2016-14**

**AN ORDINANCE TO AMEND CHAPTER 3-5 ENTITLED "OFFENSES-MISCELLANEOUS" OF THE CODE OF ORDINANCES OF THE CITY OF GAINESVILLE; TO AMEND SECTION 3-5-13 BY ELIMINATING IT IN ITS ENTIRETY AND SUBSTITUTING IN ITS PLACE THE LANGUAGE SET FORTH BELOW; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**BE IT HEREBY ORDAINED BY THE GOVERNING BODY OF THE CITY OF GAINESVILLE, GEORGIA, AS FOLLOWS:**

### **SECTION I**

Section 3-5-13 of the Code of the City of Gainesville, Georgia is hereby amended to read as follows:

#### **Section 3-5-13. Loitering or Prowling**

- (a) A person commits the offense of loitering or prowling when he is 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 ordinance, 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 ordinance 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.

### **SECTION II**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

## **ORDINANCE NO. 2016-14**

### **SECTION III**

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional

### **SECTION IV**

The ordinance is enacted as an amendment to Section 3-5-13 of the Code of Ordinances of the City of Gainesville, Georgia.

### **SECTION V**

The effective date of this ordinance shall be upon approval by the governing body of the City of Gainesville.

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**C. Danny Dunagan, Jr., Mayor**

This is to certify that I am City Clerk of the City of Gainesville. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this resolution was adopted as stated and will be recorded in the official minutes.

**ATTEST:**

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**Denise O. Jordan, City Clerk**