

## **ORDINANCE NO. 805**

### **AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 11 OF THE CODE OF ORDINANCES OF THE CITY OF CONYERS TO PROVIDE FOR A NEW ORDINANCE PROHIBITING LOITERING AND PROWLING AMONG PARKED VEHICLES; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, Title 11 of the Code of Ordinances of the City of Conyers, Georgia prohibits certain activities from occurring within the corporate limits of the City of Conyers, Georgia; and

**WHEREAS**, the Official Code of Georgia Annotated (hereinafter "O.C.G.A.") §16-11-36 prohibits a person from loitering or prowling; and

**WHEREAS**, O.C.G.A. §16-11-36(d) provides that a municipality may adopt ordinances to prohibit loitering or prowling within its corporate limits; and

**WHEREAS**, the Mayor and City Council of the City of Conyers (hereinafter "City") are concerned for the health, safety and welfare of its citizens and desire to prohibit the activities of loitering and prowling among parked vehicles within the corporate limits of the City; and

**WHEREAS**, the City finds that the adoption of an ordinance to prohibit loitering and prowling among parked vehicles is appropriate in order to advance the public health, safety and welfare, and to ensure the safety of the citizens of the City.

**NOW, THEREFORE**, be it ordained by the Mayor and the City Council of Conyers, Georgia, and it is hereby ordained by the authority of the same as follows:

**SECTION 1.** Section 11-1-20 of the Code of Ordinances of the City of Conyers, Georgia is created to read as follows:

#### **Sec. 11-1-20 Loitering and prowling among parked vehicles.**

(a) It shall be unlawful for any person to loiter or prowl on any property upon which are located parked vehicles. It shall be evidence of an accused person's intention to violate this ordinance if said person has been observed:

1. Attempting entry into the vehicle of another;

2. Tampering with the vehicle of another, which shall mean any unauthorized interference with the vehicle or any part or accessory thereof or the contents therein;
3. Peering or looking into the vehicle of another;
4. Pulling on the door handle of the vehicle of another;
5. Attempting to open the hood of the vehicle of another;
6. Attempting to open the trunk of the vehicle of another;
7. Lying underneath the vehicle of another; or
8. Otherwise acting 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; manifestly endeavors to conceal himself or any object that may be utilized for entry into an automobile or is otherwise prohibited by law; removes or attempts to remove anything of value from the vehicle; refuses to identify himself; or otherwise causes damage to the vehicle.

(c) Unless flight by the person or other circumstances make it impracticable, a law enforcement officer shall, prior to issuing any citation or effectuating 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.


(d) Any person who is convicted of violating this ordinance shall be punished by a fine not to exceed \$1,000 or by imprisonment not to exceed six (6) months, or by both a fine and imprisonment in accordance with the provisions of Section 7-103 of the Charter of the City of Conyers.

**SECTION 2.** All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**SECTION 3.** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

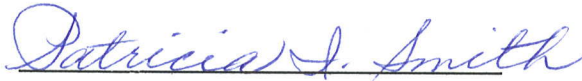
**SECTION 4.** Pursuant to Section 2-402(a)(4) of the Charter of the City of Conyers, Georgia, the second reading of this Ordinance is hereby waived in order to permit this Ordinance to become effective upon its adoption by the City Council and upon its execution by the Mayor.

21<sup>st</sup> **ADOPTED AND APPROVED** by the City Council of Conyers, Georgia this day of July, 2010.

A handwritten signature in blue ink, appearing to read "Randal S. Mills", written over a horizontal line.

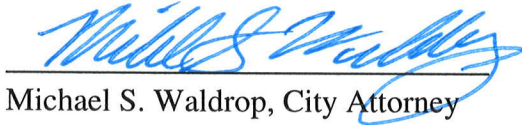
Randal S. Mills, Mayor

ATTEST:

A handwritten signature in blue ink, appearing to read "Patricia I. Smith", written over a horizontal line.

Patricia I. Smith, City Clerk

Approved by:

A handwritten signature in blue ink, appearing to read "Michael S. Waldrop", written over a horizontal line.

Michael S. Waldrop, City Attorney