



## Legislation Text

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File #: 081387, Version: 0

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081387  
ORIGINAL

ALD. HINES

An ordinance prohibiting loitering in or about restaurants, taverns, convenience stores, filling stations and public buildings.

106-31-6 am

Currently, the city's loitering or prowling provisions specify only restaurants, taverns and public buildings. This ordinance adds convenience stores and filling stations, and permits issuance of citations without requiring proprietors to directly instruct individuals to vacate if "no loitering" signs are posted. It further requires that police officers give individuals an opportunity to explain their conduct before a citation is issued and precludes conviction if the conduct of cited person is determined to be lawful at trial.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 106-31-6 of the code is amended to read:

**106-31 Loitering or Prowling**

**6. RESTAURANTS, TAVERNS, >>CONVENIENCE STORES, FILLING STATIONS, PUBLIC BUILDINGS, <<ETC., Loiters in or about a restaurant, tavern>>, convenience store, filling station<< or other public building. As used in this subsection "loiter" means to, without just cause, remain in a restaurant, tavern>>, convenience store, filling station<< or other public building or to remain upon the property immediately adjacent thereto after being asked to leave by the owner or person entitled to possession or in control thereof>>, or where "no loitering" signs are posted<<. >>No arrest shall be made for a violation of this subsection unless the arresting officer first affords such persons an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.<<**

APPROVED AS TO FORM

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Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE

IS LEGAL AND ENFORCEABLE

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Office of the City Attorney

Date: \_\_\_\_\_

LRB 09034-1

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01/29/09