



Legislation Details (With Text)

File #:	081387	Version:	0
Type:	Ordinance	Status:	Passed
File created:	2/10/2009	In control:	PUBLIC SAFETY COMMITTEE
On agenda:		Final action:	3/3/2009
Effective date:			
Title:	An ordinance prohibiting loitering in or about restaurants, taverns, convenience stores, filling stations and public buildings.		
Sponsors:	ALD. HINES JR.		
Indexes:	NUISANCES, PUBLIC BUILDINGS, RESTAURANTS, TAVERNS		
Attachments:	1. Fiscal Note, 2. Hearing Notice List, 3. Notice Published on 3-19-09		

Date	Ver.	Action By	Action	Result	Tally
2/10/2009	0	COMMON COUNCIL	ASSIGNED TO		
2/13/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/13/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/13/2009	0	PUBLIC SAFETY COMMITTEE	HEARING NOTICES SENT		
2/25/2009	0	PUBLIC SAFETY COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/3/2009	0	COMMON COUNCIL	PASSED	Pass	14:0
3/12/2009	0	MAYOR	SIGNED		
3/19/2009	0	CITY CLERK	PUBLISHED		

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

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB 09034-1
ANC
01/29/09