

STATE OF GEORGIA**CITY OF MORROW****ORDINANCE NO. 2017-10**

AN ORDINANCE AMENDING SECTION 11-1-18 (“LOITERING; PROHIBITED”), OF ARTICLE A (“MISCELLANEOUS OFFENSES”), OF CHAPTER 1 (“GENERAL PROVISIONS”), OF TITLE 11 (“OFFENSES”), OF THE CODE OF ORDINANCES OF THE CITY OF MORROW, TO PROHIBIT LOITERING AND PROWLING AMONG PARKED CARS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Morrow, Georgia (hereinafter the “City”) is the Mayor and Council thereof; and

WHEREAS, the governing authority is charged with the protection of the public health, safety, and welfare of the citizens of the City of Morrow; and

WHEREAS, the governing authority has determined that it is necessary to amend Section 11-1-18 of Article A, of Chapter 1, of Title 11 of the Code of Ordinances to further protect the public health, safety, and welfare of the citizens of the City of Morrow.

BE IT, AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA, and by the authority thereof:

Section One. That Section 11-1-18 (“Loitering; prohibited”), of Article A, (“MISCELLANEOUS OFFENSES”) of Chapter 1 (“General Provisions”), of Title 11 (“Offenses”), of the Code of Ordinances of the City of Morrow, Georgia, is hereby amended and the following text shall be inserted immediately after subsection (b):

“(c) Loitering and prowling among parked vehicles.

- (1) It shall be unlawful for any person to loiter or prowl on any property upon which there are parked vehicles. It shall be evidence of an accused person's intention to violate this subsection if said person has been observed:
 - (i) Attempting entry into the vehicle of another;
 - (ii) 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;
 - (iii) Peering or looking into the vehicle of another;
 - (iv) Pulling on the door handle of the vehicle of another;
 - (v) Attempting to open the hood of the vehicle of another;
 - (vi) Attempting to open the trunk of the vehicle of another;
 - (vii) Lying underneath the vehicle of another; or
 - (viii) 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.
- (2) 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.
- (3) 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 subsection, 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 subsection 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 Two. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section Three. This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

Section Four. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

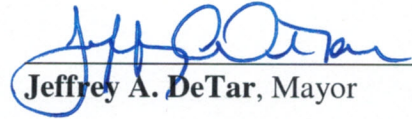
(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section Five. All Ordinances and parts of Ordinances in conflict herewith are hereby expressly repealed.

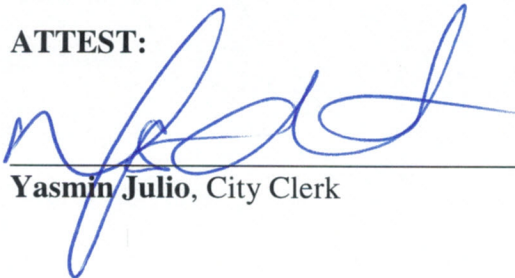
Section Six. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this 27th day of June, 2017.


CITY OF MORROW, GEORGIA



Jeffrey A. DeTar, Mayor

ATTEST:


Yasmin Julio, City Clerk

APPROVED BY:


Steven M. Fincher, City Attorney

