

ORDINANCE OF THE TOWN OF GREENVILLE

For the regulation of loitering by minors and the general public.

SECTION 1.1 TITLE

This ordinance shall be known as the "Loitering Ordinance of the Town of Greenville".

SECTION 2.1 PURPOSE

The purpose of this ordinance is to promote and protect the health, safety, morals and general welfare of minors under the age of eighteen years specifically and the rest of the public generally. Also to protect and preserve the property in the Town of Greenville both public and private. Also to preserve the public peace, safety and good order in the Town of Greenville, by regulating specifically, according to age, the times and locations where and when loitering shall be prohibited and the circumstances when loitering generally shall be prohibited.

SECTION 3.1 LOITERING

A person is guilty of loitering when he violates any of the following provisions:

Section 3.2 No person under the age of eighteen years shall loiter within the township after the hour of 11:00 PM on Sunday through Thursday nights, except that it shall not be a violation to so loiter if such person is waiting for transportation to his home from church, school or other organized social function.

Section 3.3 No person under the age of eighteen years shall loiter within the township after the hour of 12:00 PM on Friday or Saturday nights, except that it shall not be a violation to so loiter if such person is waiting for transportation to his home from church, school or other organized social function.

Section 3.4 No person shall loiter within the cemeteries in the township from sundown to sunrise.

Section 3.5 No person shall loiter on private property or on public property without the consent of an individual with authority to grant such permission; excepting therefrom public thoroughfares, or such premises, whether public or private, that it is customary for the general public to go through or across.

NOTWITHSTANDING the provisions of Sections 3.2, 3.3, 3.4 and 3.5, a peace officer shall, prior to any arrest for an offense under these sections, afford the actor unless flight by the actor or other circumstances makes this impractical, an opportunity to explain his apparent violation of any of these said sections by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or, if it appears at trial that the explanation given by the actor was true, and, if believed by the peace officer, would have constituted a reasonable explanation of the apparent violations of sections 3.2, 3.3, 3.4 and/or 3.5.

Section 3.6 A person is guilty of loitering when he: loiters, remains or wanders in or about a place without apparent reason and under circumstances which justify suspicion that he may be engaged or be about to engage in crime, and upon inquiry by a peace officer, refuses to identify himself or fails to give reasonable or credible account of his conduct or purposes.

A person commits a violation if he loiters or prowls in a place, at a time, or in a manner not usual for law abiding individuals or under circumstances which may be considered to warrant alarm for safety of persons or property in the vicinity. Among circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes this impractical, a peace officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct.

No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and if believed by the peace officer would have dispelled the alarm.

SECTION 4.1 ENFORCEMENT

Any peace officer shall enforce all of the provisions of this ordinance on his own initiative, or upon the complaint of any one aggrieved by the violation of this ordinance.

SECTION 5.1 PENALTIES

Any person who violates any provision of this ordinance shall be guilty of an offense against this ordinance, which shall be a violation and not a crime, and shall be subject to a fine of not more than two hundred fifty (250) dollars and or imprisonment for a period not to exceed fifteen (15) days, or both fine and imprisonment.

SECTION 6.1 VALIDITY

If any section, paragraph, subdivision or provision of this ordinance shall be found invalid, such invalidity shall apply to the section, paragraph, subdivision or provision adjudged invalid, and the remainder of the ordinance shall remain valid and effective.

SECTION 7.1 EFFECTIVE DATE

This ordinance shall take effect ten (10) days after posting any publication thereof, and immediately as against any person who is personally served with a certified copy thereof in accordance with the Town Law of the State of New York.

Effective Date: July 22, 1972