

## AN ORDINANCE

amending Chapter 82, Article III, Offenses Against Public Peace, of the Joplin City Code, by repealing Section 82-104 of the Joplin City Code, Loitering on grounds or entranceways., and enacting a new Section 82-104 in lieu thereof.

WHEREAS, the City Council has determined that there has been an increase in vandalism, public drinking and littering, and harassment of the general public on and around private and public parking lots, and this is a matter of public concern; and

WHEREAS, the City Council has determined that private businesses, citizens, and taxpayers annually endure the heavy burden of crime-associated costs, which adversely affects us both financially and socially; and

WHEREAS, the City of Joplin has found that the current loitering regulations have been generally effective and the City Council wishes to increase the effectiveness and reduce crime and other unacceptable behavior; and

WHEREAS, an amendment to the loitering ordinance to include public parking lots is in the interest of the public health, safety, and general welfare and will help to attain the foregoing objectives and diminish the undesirable impact of such conduct on the citizens of the City of Joplin and will promote the public good, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, as follows:

Section 1. That Section 82-104 of the Joplin City Code, Loitering on grounds or entranceways., is hereby repealed in its entirety, and a new Section 82-104, Loitering on grounds or entranceways., is enacted in lieu thereof, to read as follows:

"Section 82.104. Loitering on grounds or entranceways.

(a) *Prohibited acts.* It shall be unlawful for persons to intentionally congregate upon public parking lots, the grounds or within the buildings of a commercial establishment, or upon public ways immediately adjacent thereto, so as to block the aisles, doorways or other passageways into, out of or through the grounds or buildings of such commercial establishment. No person shall sit on the top, roof, fender or windows of a motor vehicle, and no person shall congregate in crowds of three or more outside vehicles on the premises when such persons are not transacting businesses on the premises.

(b) *Presumption of intent to congregate unlawfully.* If any group of persons shall be congregated so as to block the aisles, doorways or other passageways into, out of or through such grounds or buildings and they shall

be ordered by the manager or other person in charge of such commercial establishment to move on, and if they shall fail or refuse to do so, it shall be prima facie proof of their intent to unlawfully congregate under the provisions of this section. If any group of persons shall be congregated on public parking lots after a regular or special police officer has notified the persons that the action is unlawful, it shall be prima facie proof of their intent to unlawfully congregate under the provisions of this section."

PASSED BY THE COUNCIL OF THE CITY OF JOPLIN, MISSOURI, this 21st day of April, 2003.

Richard H. Russell, Mayor

ATTEST:

Barbara L. Hogelin, City Clerk

APPROVED AS TO FORM:

Brian W. Head, City Attorney