STATE OF ALABAMA *
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BLOUNT COUNTY *

I, THE UNDERSIGNED CLERK OF THE TOWN OF CLEVELAND, ALABAMA, DO HEREBY CERTIFY THAT THE ABOVE AND FOREGOING ORDINANCE WAS PROPERLY ADVERTISED IN ACCORDANCE WITH THE STATE OF ALABAMA SECTION 11-45-8 , AT THREE SAID PLACES OF PUBLICATION BEING CLEVELAND POST OFFICE, CLEVELAND TOWN HALL AND S &S GROCERY STORE AND DULY ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF CLEVELAND, ALABAMA. AND IS IN FULL FORCE.

TOWN CLERK

ORDINANCE NO. 2024-03

AN ORDINANCE TO RESTRICT LOITERING IN A PUBLIC PLACE

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLEVELAND, ALABAMA AS FOLLOWS:

Section 1. Definitions:

Whenever used in this ordinance, unless otherwise clearly indicated, the following words and phrases shall have the following meanings:

EGRESS: a going out or emergence.

INGRESS: going in or entering.

LOITERING: to remain idle in essentially one (1) place or area and shall include the concepts of spending time idly, loafing, to saunter, to delay, to stand around and shall include the colloquial expression "hanging around".

PUBLIC PLACE: any area to which the general public has access and a right to business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. Also, it shall include the front or immediate areas of any store, shop, restaurant, gas station or other place of business, their parking lots as well as public grounds, areas, or parks.

REGRESS: to return to a previous condition or state.

Section 2. Loitering; Obstruction of Public Access; Law Enforcement Officer's Order to Disperse; Responsibility of Property Owner:

a) It shall be unlawful for any person to loiter or linger around any public or private place within the city either alone and/or in consort with others in such manner as to do the following:

b) Obstruct or wander any public street, public highway, public sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles, traffic or pedestrians.

c) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, public highway, public sidewalk or

any other public place or building, all of which prevents the free and uninterrupted ingress, egress, and regress, therein, thereon and thereto.

d) It shall be unlawful for any person to refuse to obey any law enforcement officer's order to stop causing or committing a violation of this ordinance or to move on and/or disperse.

e) It shall be the responsibility of the property owner to do the following:

1. Request, in writing, the enforcement of this ordinance by the Town of Cleveland.

2. Post a "No Loitering" sign in a conspicuous place.

Section 3. Penalty: It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a Class C misdemeanor and upon conviction shall be punished by fines, community service, and/or incarceration as follows:

a) For the first offense, the fine shall be $200.00 and/or up to 30 days in jail.

b) For the second offense, within 12 calendar months, the fine shall be up to $500.00, 20 hours of community service, and/or up to 90 days in jail.

c) For any subsequent offense, within 12 calendar months, the fine shall be up to $500.00, 40 hours of community service, and/or up to 90 days in jail.

d) Multiple violations of this ordinance or any part thereof on any one (1) day shall each constitute separate offenses.

e) The community service hours must be served within one year of the date the sentence is imposed by proper authority.

Section 4. Authority of this Ordinance: This ordinance shall take precedence over any neighborhood covenants.

Section 5. Should any part of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall remain in full force and effect.

Section 6. This ordinance shall become effective following its passage, adoption, and publication as prescribed by law.

ORDINANCE NO. 2024-03

ADOPTED this 3rd day of July, 2024.

ATTEST:

Town Clerk

TOWN OF CLEVELAND

By:

Mayor