

An Ordinance Prohibiting Loitering on Business Property, providing a penalty for such loitering of a fine not to exceed \$500.00, and providing for a savings clause

Be it Ordained By the Board of Aldermen of the  
Town of Beasley, Texas

Section 1: Definitions.) As used in this ordinance, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

"Loitering": Remaining idle in one location, including walking around aimlessly, and sitting or standing in or out of a motor vehicle.

"Breach of the Peace": The term "Breach of the peace" is generic, and includes all violations of the public peace or order, or decorum; in other words, it signifies the offense of disturbing the public peace or tranquility enjoyed by the citizens of a community; a disturbance of the public tranquility by any act or conduct inciting to violence or tending to provoke or excite others to break the peace; a disturbance of public order by an act of violence, or by any act likely to produce violence, or which, by causing consternation and alarm disturbs the peace and quiet of the community. By "peace," as used in this connection, is meant the tranquility enjoyed by the citizens of a municipality or a community where good order reigns among its members. Actual or threatened violence is an essential element of a breach of the peace. Breach of the peace means an act that disturbs or threatens to disturb the tranquility enjoyed by citizens.

Section 2: Loitering prohibited.) No person shall loiter on private property that is customarily used by the public as an integral part of a commercial venture in such a manner as to:

- (a) Commit a breach of the peace;
- (b) Obstruct the free passage of pedestrians or vehicles;
- (c) Obstruct or interfere with any person lawfully seeking

access to or the use of the commercial enterprise conducted on the property or adjacent or contiguous to said private property.

Section 3. Notice.) No person shall be guilty of a violation of this ordinance unless:

(a) The property owner or tenant shall post the property with "NO LOITERING" signs or other notices of like meaning at the entrance or entrances to the property and at intervals of not less than fifty feet on such property. Property of fifty feet or less may contain only one sign; and

(b) The person to be charged with loitering has been asked by the owner or tenant of the property, by an employee of the owner or tenant, by a security officer or by a law enforcement officer to leave the property and has failed to leave.

Section 4. Penalty.) Any person violating any provision of this ordinance shall be fined not more than \$500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5. Savings Clause.) If any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereof to any person or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of the ordinance, and the Board of Aldermen hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Signed by the Mayor, after being approved and passed by a vote of the Board of Aldermen, and attested by the City Secretary, this 21st day of January, 1993.

Evelyn Aardini  
Mayor of the Town of Beasley, Texas

Attest: Patricia Council  
Secretary of the Town of Beasley, Texas

Mark Poehl  
Alderman

Dale Linder  
Alderman

W. W. Davis  
Alderman

Kenneth E. Meyer  
Alderman