

TOWN OF SUTTON LOITERING AMENDMENT

Be it ordained and ordered by the Common Council of the Town of Sutton:

Be it ordained and enacted by the Common Council of the city of Sutton:
That the Town of Sutton Ordinance Code 11-409 be replaced with the following code:
All changes are effective on the dates indicated therein.

Passed on First Reading this the 12th day of Aug. 2010:
Passed on Second Reading this the 26th day of Aug. 2010:

Common Council of the Town of Sutton
County of Braxton, State of West Virginia

ORDAINED AND ENACTED INTO AN ORDINANCE THIS THE 26th DAY OF AUG. 2010:

J. L. Campbell
MAYOR

J. von Bear
RECORDER

G. H. Hagan
COUNCIL MEMBER

Mary Redman
COUNCIL MEMBER

Joe R. Chidato
COUNCIL MEMBER

Francis Coates
COUNCIL MEMBER

Allen R. By
COUNCIL MEMBER

ORDINANCE AMENDING, SUTTON CITY CODE "LOITERING"

The Sutton Town Council met Aug. 12 and on motion by Francis Crites, seconded by John Chidester approved accepting the first reading to amend the loitering ordinance which was modeled after the town of Elkin's loitering law.

Be it ordained and enacted by the Common Council of the city of Sutton:

1. That the Town of Sutton Ordinance Code 11-409 be replaced with the following code:

(a) Any person, individually or as part of a group of persons, on public property, including streets, sidewalks and curbs, or on private property which is regularly open for business to the public, regardless of whether it is open for business at the time, or on or in a vehicle that is on public property or on private property which is regularly open for business to the public, regardless of whether it is open for business at the time, who loiters in a manner which is prohibited by shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined in an amount not to exceed \$25.00; for the second offense,

such person shall be fined in an amount not to exceed \$50.00; for the third or any subsequent offense, such person shall be fined in an amount not to exceed \$100.00.

Loitering which is prohibited is defined as conduct (1) which creates a nuisance, disturbance or annoyance to the comfort or safety of any person; or (2) which obstructs the free passage of pedestrians or vehicles; or (3) which causes obstruction or interference with any person or vehicle lawfully in any public place or on any private property which is regularly open for business to the public (regardless of whether it is open for business at the time); or (4) which involves the making of unsolicited remarks or gestures of any offensive, disgusting or insulting nature or which are intended to annoy or disturb any person in whose hearing or sight they are made.