

## 618.01 DEFINITIONS

As used in this chapter:

(b) ~~“Loitering” includes the following activities: lingering, hanging around, delaying, sauntering and moving slowly about, where such conduct is not due to physical defects or conditions.~~ “Loiter” has the definition set forth in Section 618.34.

### 618.34 Loitering.

- (a) “Loiter” means “to remain in a location for a period of time that a reasonable person would regard as excessive in relation to the location’s primary purpose.”
- (b) For purposes of this ordinance, “loitering” does not include participation in any assembly or gathering of persons designed to demonstrate support of or opposition to a particular point of view, unless such assembly or gathering uses fighting words or incites violence.
- (c) It shall be unlawful for any person to loiter in such a manner as to:
  - (1) obstruct or unreasonably interfere with the free ingress or egress to and from buildings owned by the City of Battle Creek including but not limited to City Hall, W.K. Kellogg Airport, as well as fire stations, police facilities, public works buildings, and transit buildings within the City; and/or
  - (2) knowingly engage in harassment, assault, molestation or intimidation of any other person by words or conduct. As used in this subsection, the term “harass” includes, but is not limited to, the use of personally abusive epithets or words, language, or offensive conduct which are, as a matter of common knowledge, inherently likely to provoke a reasonable person to feel fear, anger, apprehension, or emotional distress.
- (d) It shall be unlawful for any person to loiter within 15 feet of:
  - (1) the entrance or exit of any public toilet facility; and/or
  - (2) an automated teller machine, provided that when an automated teller machine is located within an automated teller machine facility, such distance shall be measured from the entrance or exit of the automated teller machine facility.
- (e) It shall be unlawful for any person to loiter on private property if the owner, tenant, or lawful occupant has asked the person not to remain on the property or has posted a sign clearly indicating that loiterers are not welcome on the property.
- (f) It shall be unlawful for any person to loiter on private property, regardless of whether it is generally open to the public for business, without the knowledge and consent and/or invitation of the owner or party in control of that property.
- (g) It shall be unlawful for any person to remain idly within 25 feet of an intersection of roads unless such person has an official license or permit to conduct activities at that location.
- (h) A person who violates or fails to comply with any of the provisions of this section is guilty of a Class C Municipal civil infraction and shall be subject to the civil fines set

forth in Codified Ordinances § 202.98, except that a person shall be subject to the provisions of Codified Ordinances § 618.99 if he or she commits a second or subsequent offense within one year of the entry of a prior judgment against him or her for violating this section.

- (i) This ordinance shall be interpreted and construed so as to comply with the United States Constitution and applicable laws. If any portion of this ordinance is deemed unenforceable for any reason, it shall be severed, and the remainder of the ordinance shall remain in effect to the fullest extent permissible.