

ORDINANCE NO. 911

AN ORDINANCE REPEALING SECTION 9.38.010 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, AND ENACTING A NEW VAGRANCY ORDINANCE, DEFINING WHAT ACTS CONSTITUTE VAGRANCY AND THE PENALTY THEREFORE.

Be It Ordained by the Mayor and Council of the City of Payette, Idaho that Section 9.38.010 of the Municipal Code of the City of Payette, Idaho, be and hereby is repealed, and that the following section be adopted and enacted:

9.38.010: ACTS CONSTITUTING VAGRANCY:

Every person shall be guilty of vagrancy when he:

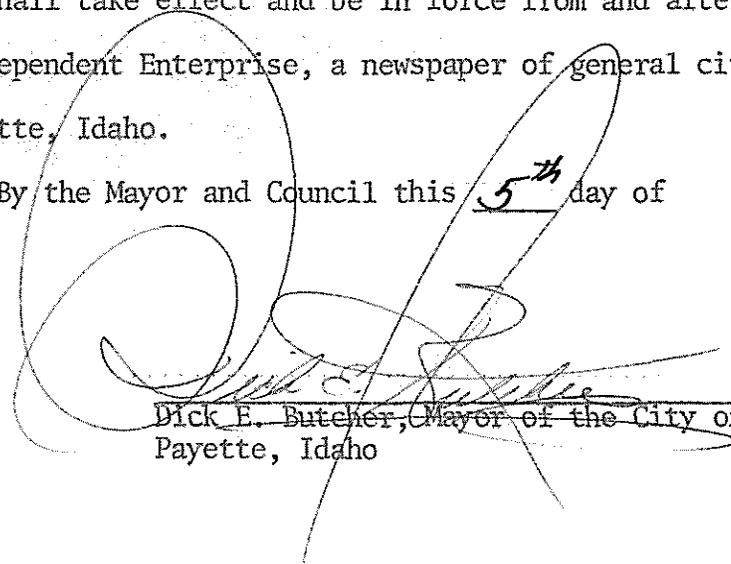
- (A) Solicits anyone to engage in, or engages in, lewd or dissolute conduct in any public place or in any place ^{open} to the public or exposed to public view; or
- (B) Accosts other persons in any public place or in any place open to the public for the purpose of begging or soliciting alms; or
- (C) Loiters in, about or upon any street, alley or other public way or public place, or in any place open to the public, without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior; or
- (D) Has upon his person or in his possession any instrument, tool or other implement for picking locks or pockets or any implement that is usually employed or that reasonably may be inferred to have been designed to be employed in the commission of any felony, misdemeanor or the violation of any ordinance, and who shall fail to account for the possession of same; or
- (E) Loiters, remains, or wanders upon the streets or from place to place without apparent reason or business and who refuses to identify himself and to account for his presence when requested by a police officer so to do, if the surrounding circumstances are such to indicate to a reasonable man that the public safety demands such identification; or
- (F) Occupies, lodges or sleeps in any building, structure or place, whether public or private, or any automobile, truck, railroad car or other similar vehicles or equipment without the permission of the owner or person entitled to the possession or in control thereof; or
- (G) Loiters, prowls or wanders upon the private property of another, without visible or lawful business with the owner or occupants thereof; or
- (H) Loiters or remains in or about a school, not having any reason or relationship involving custody of or responsibility for a pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same; or
- (I) Loiters, prowls, remains or wanders in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the actor takes flight upon appearance of a police officer, refuses to identify himself or manifestly endeavors or by deliberate furtive action attempts to conceal himself or any object. Unless flight by the actor or other circumstances make it

impracticable, a police officer shall, prior to any arrest for an offense under this Section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the police officer at the time, would have dispelled the alarm.

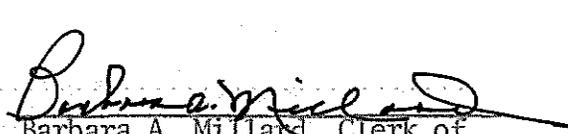
Any person who commits any of the acts prescribed and defined by subsections (A) through (I) of this Section shall be guilty of a misdemeanor.

That this Ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper of general circulation in the City of Payette, Idaho.

PASSED and APPROVED By the Mayor and Council this 5th day of May, 1980.


~~Dick E. Butcher, Mayor of the City of Payette, Idaho~~

ATTEST:


Barbara A. Millard, Clerk of the City of Payette, Idaho