

ORDINANCE 839

AN ORDINANCE OF THE OGDEN DUNES TOWN COUNCIL ADDING CHAPTER 97 TO TITLE IX, GENERAL REGULATIONS

IT IS HEREBY ORDAINED by the Ogden Dunes Town Council as follows:

Section 1 Title IX, General Regulations, will have an additional section referred to as “Chapter 97 – Simple Trespass/Prowling”, and shall read as follows:

Chapter 97

- (A) A person not having a contractual interest in the property, knowingly or intentionally enters the real property of another person at a time or in a manner not usual for law-abiding individuals and/or under circumstances that warrant alarm for the safety of persons or property in the vicinity commits the offense of Simple Trespass or Prowling.
- (B) Determining Circumstances: Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of any person and especially a Police Officer, refuses to identify himself, or endeavors to conceal himself or any object.
- (C) Procedure: Unless flight by the person or other circumstances makes it impracticable a Police Officer shall, prior to any arrest for an offense under this Section, allow the person an opportunity to dispel any alarm which would otherwise be warranted by requesting him to identify himself and explain his presence and conduct.
- (D) Defenses: No person shall be convicted of an offense under this Section if the Police Officer did not comply with the provision of subsection (C) above, or if it appears during subsequent investigation or at trial that the explanation given by the person, if believed by the Police Officer at the time and/or if found to be true, would have dispelled the alarm. However, the initial observations by the Police Officer or other person will still provide sufficient reasonable suspicion of an incident which may rise to the level of probable cause for detention or arrest.
- (E) Any violation of Chapter 97 shall be subject to a fine of \$100 which shall be paid to the Clerk-Treasurer within five (5) days of the violation and thereafter shall be subject to a fine of \$200 for the violation.

Section 2 This ordinance shall be in full force and effect from and after its adoption by the Ogden Dunes Town Council.

ALL OF WHICH IS PASSED AND ADOPTED THIS _____ day of _____, 2018.

Scott Lehmann, President

Mike Webber

Carolyn Saxton

Tim Nelson

Nate Ball

ATTEST:

Jean Manna, Clerk-Treasurer