

TOWN OF GIBRALTAR
ORDINANCE 2022-05
LOITERING/PROWLING PROHIBITED

Ordinance 2022-05 Identified in the code of ordinances as 10.13 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose To protect citizens and maintain peace and order.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

Definitions

(1) Loitering defined. As used in this Chapter, "loitering" shall mean "remaining idle in essentially one location," and shall include such concepts as "spending time idly, loafing, or walking about aimlessly," and shall also include the colloquial expression of "hanging around."

(2) Prowling defined. As used in this Chapter, "prowling" shall mean "roaming about stealthily or furtively."

(3) Public parking area defined. As used in this Chapter, "public parking area" shall mean anyone of the municipal parking lots located within the town, parking spaces provided on private property for use of the customers and business invitees of a commercial business establishment, and the curb-side parking spaces located along the public streets of the town of Gibraltar.

(4) School vicinity defined. As used in this Chapter, "in the vicinity of a school" shall mean the actual real property parcel owned by any school or school district upon which a school building is located, and shall also mean the area within 1,000 feet of any such school building, whether actually within the real property parcel or not; provided, however, this definition shall not be deemed to include any private property located within such 1,000 feet.

General Provisions

LOITERING OR PROWLING PROHIBITED

No person shall loiter or prowl in a public 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 person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a peace officer, shall prior to any arrest for an offense

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

LOITERING IN PUBLIC PARKING AREAS PROHIBITED.

(1) No person shall remain in a Public Parking Area in such a manner as to:

- (a) Create or cause to be created a breach of the peace
- (b) Create or cause to be created any disturbance or annoyance to the comfort or repose of any person
- (c) Obstruct or interfere with the free passage of pedestrians or vehicles in said parking area, or in any way impede or cause any restriction in the free and unimpeded access to the parking areas
- (d) Obstruct, molest or interfere with any person lawfully in any public place, which prohibition shall include the making of unsolicited remarks of any offensive, disgusting or insulting nature, or which are calculated to annoy or disturb the person to, or in whose hearing, they are made
- (e) Create or cause to be created a littering problem.

(2) Remaining After Hours.

No person shall remain in any Public Parking Area Prohibited by times posted

Exceptions. The following uses of a Public Parking Area shall not be violations of Section

- (a) Temporary entrance to a public parking lot in an emergency or to avoid an accident.
- (b) Entrance by any police officer(s), town official(s), town employee(s), or town equipment, in the course of duty.
- (c) Entrance by fire, ambulance and other emergency personnel, and equipment, in the course of duty.
- (d) Entrance by an owner of property within a reasonable proximity of the Public Parking Area, or his or her employee; or entry by a tenant leasing property within a reasonable proximity of the Public Parking Area; or entry by an invited guest of an owner, employee, or tenant within a reasonable proximity of the Public Parking Area; for any legitimate purpose, including, but not limited to parking vehicles or equipment.
- (e) Entrance by any person for purposes of making a delivery.

- (f) Entrance by any person who is acting as a legitimate customer of any legitimate business which owns or leases property within a reasonable distance from the Public Parking Area who is parking there for the purpose of purchasing legitimate goods or services.

(3) Special Events. The town may grant temporary permission to use any Public Parking Area during any specified hours when trespassing is normally prohibited, by posting temporary signs or posters to that effect

LOITERING IN THE VICINITY OF A SCHOOL PROHIBITED

No person under the age of 21 not on lawful school-related business shall enter into, congregate at, or loiter in the vicinity of a school within the City between 7:30 a.m. and 4:30 p.m. on official school days.

OBSTRUCTION OF HIGHWAY BY LOITERING PROHIBITED.

(1) No person shall obstruct any street, bridge, sidewalk or crossing by loitering in or upon the same after being requested to move on by any police officer.

(2) No person may be convicted of a violation of this section unless such person has first been ordered by a police officer to leave such highway and, after being ordered to do so, such person fails to leave such area forthwith, or, after leaving such area initially, returns to such highway shortly thereafter and resumes loitering in such highway.

OBSTRUCTION OF TRAFFIC BY LOITERING PROHIBITED.

No person shall loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the town in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, street crossings and bridges or other public places by persons passing along and over the same.

Penalty

Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00, nor more than \$500.00, together with costs of prosecution. Failure to make payment of such forfeiture and costs of prosecution shall subject the individual to imprisonment in the County Jail until said forfeiture is paid, but not to exceed thirty (30) days.

Enforcement

(a) Enforcement shall be by citation.

(b) Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be as stated above or such amount that the Circuit Court of Door County hereafter affixes.

(c) Any person, firm or corporation, violating any of the subsections of this ordinance, may stipulate to the guilt or no contest and may pay to the Clerk of Court, a bond according to a schedule prescribed by the Circuit Court of Door County, which is presently set forth above. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter

judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wis. Stat. § 66.12.

(d) Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter, and issuance of a forfeiture hereunder, shall not preclude the Town or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.