

Ordinance #16-4
Town of Dunn
An Ordinance to Prohibit Loitering

Section I: Definitions

As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (A) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
- (B) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the Town of Dunn.
- (C) Prowl. To move or roam about furtively, particularly on the property of another person.

Section II: General Regulation of Loitering or Prowling

A person commits a violation if he or she causes a nuisance, loiters or prowls 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 on appearance of a peace officer, refuses to identify him or her self, or manifestly endeavors to conceal him or her self or any object. Unless flight by the actor or other circumstances make it impractical, a peace 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 the actor to identify him or her self and explain the presence and or 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 peace officer at the time would have dispelled the alarm.

Section III: Violations and Penalties

- (A) Any person under the age of 18 years violating the provisions of this Ordinance may be referred to the proper juvenile authorities, as provided in Chapter 48 of the Wisconsin Statutes, and in the case of repeated violations by the same person both the person and the parents or legal guardian of such person shall be referred to the juvenile authorities.
- (B) Any person of 18 years or older violating this Ordinance shall forfeit to the Town of Dunn the sum of not less than \$50 or more than \$500 for the first offense and not less than \$100 nor more than \$1,000 for a subsequent offense, and the costs of prosecution, and in case of default of payment of such forfeiture and costs, shall be imprisoned in the County jail until

payment of such forfeiture and costs of prosecution but not exceeding 30 days for each violation.