

Chapter 39

VAGRANCY, LOITERING AND PROWLING*

* **Cross References:** Streets, sidewalks and other public places, ch. 46.

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ARTICLE I.

IN GENERAL

Sec. 39-4. Penalty.

Any person convicted of violating any provisions of this chapter shall be subject to section 1-11.
(Ord. No. 6-91, § 10, 6-13-1991)

ARTICLE II.

VAGRANCY, LOTERING AND PROWLING PROHIBITED

Sec. 39-1. Definitions.

For purposes of this Chapter, the following terms shall have the following meaning unless the context otherwise requires:

a) *Loitering/Prowling* means:

- To loaf, lounge, lurk, sit or stand about public buildings, places or premises.
- Wander about/obstruct any street, alley road, highway, park or other public places.
- Remain on any said property after being asked or requested to move on or vacate the area.

b) *Vagrancy* means:

- A person, with the physical ability to work, who is without lawful means of support and does not seek employment.
- A prostitute or person who loiters on the streets, public or private, or in a place where intoxicating liquors are sold, or a person who in public or from a public or private business building, solicits another to commit a crime against sexual morality.
- A person known to be a professional gambler or known as a frequenter of gambling places or who derives part of his or her support from begging or as a fortune teller or similar imposter, including, but not limited to, gypsies.

Sec. 39-2. Policy.

The North Prairie Police Department shall maintain a policy for the enforcement of Loitering, Prowling and Vagrancy for a person 18 years of age or older within the village limits of North Prairie, Waukesha County, WI. No person 18 years of age or older shall be vagrant, stand, sit, loaf or loiter or engage in any sport, exercise or gathering on any public street, sidewalk or public grounds within the Village of North Prairie in such a manner as to prevent, hinder or obstruct the free passage of pedestrian or vehicular traffic including, but not limited to, trains or to prevent or hinder free ingress or egress to or

from any place of business, amusement, church, public hall, school or meeting place either by day or night, whose actions may give rise to a suspicion of wrongdoing, and, who is unable to give a credible, satisfactory account of him/herself.

(Ord. No. 05-2015, § 1, 10-09-2015)

Sec. 39-3. Procedure.

No person shall loiter or prowl in a place (public or private) 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 these circumstances, which may be considered in determining whether such alarm is warranted, is the fact that the person takes flight upon the appearance of a police officer, refuses to identify him/herself or manifestly endeavors to conceal him/herself or any object. Unless flight by the person or other circumstances makes it impracticable, the police officer shall, prior to arrest for an offense under this section, if possible and when reasonable, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him/her to identify him/herself and explain his/her presence and conduct. When possible and prior to arrest or citation of this offense, the officer shall make a determination whether the person would be better served as a candidate for public assistance such as the Salvation Army services or another form of County assistance for people or families in need.

(Ord. No. 05-2015, § 1, 10-09-2015)

Sec. 39-4. Penalties.

Violations of any section of this ordinance shall also constitute a public nuisance, which the Village may enforce by action or proceeding to enjoin or abate such public nuisance. Any person who shall violate any provision of this chapter or any order, rule or regulation made herein shall be subject to a penalty as provided in Sec. 1.11 of the Municipality's Municipal Code.

(Ord. No. 05-2015, § 1, 10-09-2015)

Secs. 39-5--39-30. Reserved.