

Chapter 102

LOITERING

§ 102-1. Findings.

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§ 102-2. Definitions.

§ 102-5. Penalties for offenses.

§ 102-3. Prohibited acts.

[HISTORY: Adopted by the Board of Trustees of the Village of Wilson 12-16-1993 as L.L. No. 3-1993. Amendments noted where applicable.]

GENERAL REFERENCES

Curfew — See Ch. 62.

Peace and good order — See Ch. 110.

Littering — See Ch. 98.

§ 102-1. Findings.

The Village Board of the Village of Wilson makes the following findings:

- A. There have been numerous citizen complaints directed to the Mayor and Trustees and other local officials concerning the incidence of persons gathering in the public areas of the village without a legitimate reason for being there. Investigation of these complaints has resulted in the finding that in the places complained of extremely large quantities of refuse, empty beverage containers and other litter have accumulated. In addition, it has been recognized and reported that such illegitimate gatherings have discouraged citizens from legitimate utilization of these areas.
- B. The complaints received and the investigations show that such illegitimate gatherings very often are participated in by very large groups of people and are associated with noise, yelling, often of an obscene nature, fighting and rowdiness in addition to litter.
- C. It is also found that where this kind of illegitimate gathering occurs, acts of vandalism have been found to occur and damage to public and private property has been sustained. It is also found that the protection of the health, safety and welfare of the community requires action in the public interest to regulate such behavior.

§ 102-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

LOITER — To stand, lounge, congregate or remain parked in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this chapter. “Loiter” also means to collect, gather, congregate or be a member of a group or of a crowd of people who are gathered together in any public place or place open to the public and who engage in any conduct prohibited under this chapter.

PLACE OPEN TO THE PUBLIC — Any place open to the public or any place to which the public is invited and in, on or around any privately owned place of business, private parking lot or private institution, including places of worship or any place of amusement and entertainment, whether or not a charge of admission or entry thereto is made. It includes the elevator, lobby, halls, corridors and areas open to the public of any store, office or apartment building, as well as parking lots or other vacant private property not owned by or under the control of the person charged with violating this chapter or, in the case of a minor, not owned by or under the control of his or her parent or guardian.

PUBLIC PLACE — Any public street, road or highway, alley, lane, sidewalk, crosswalk or other public way or any public resort, place of amusement, park, playground, public building or grounds appurtenant thereto, school building or school grounds, public parking lot or any vacant lot.

§ 102-3. Prohibited acts.

- A. It shall be unlawful for any person or group of persons to loiter at, on or in a public place or a place open to the public in such manner:
- (1) As to interfere with, impede or hinder the free passage of pedestrian or vehicular traffic;
 - (2) As to interfere with, obstruct, harass, curse or threaten or do physical harm to another member or members of the public; or
 - (3) That, by words, acts or other conduct, there is a breach of the peace, or such words, acts or other conduct are reasonably likely to result in a breach of the peace or disorderly conduct or to cause annoyance, inconvenience or alarm to another or to create a risk thereof.
- B. It shall be unlawful for any person to loiter, as defined herein, at a public place or place open to the public and to fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer or peace officer not in uniform to move on, when not to obey such direction shall endanger the public peace and safety.

§ 102-4. Exceptions.

- A. A gathering of persons shall not be considered to be guilty of loitering if it has a legitimate purpose for being in the public place or retail business.
- B. Nothing herein shall be construed to prohibit orderly picketing or other lawful assembly.

§ 102-5. Penalties for offenses.

A violation of this chapter shall be punishable, upon conviction, by a fine or imprisonment, or both, as provided in Chapter 1, General Provisions, Article II. Each day that a violation of, or failure to comply with, any provision of this chapter or any regulations promulgated hereunder by the Village Board occurs shall constitute a separate and distinct violation.