

ARTICLE V. - OBSTRUCTION OF PUBLIC WAYS

Sec. 66-106. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Loitering means remaining idle in essentially one location and shall include the concept of spending time idly; to be dilatory; to linger; to stay; to saunter; to delay; or to stand around, and shall also include the colloquial expression, "hanging around."

Public place means any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. Such term shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

Tend to hinder or impede means the substantial blockage of a public thoroughfare by the congregation of one or more persons, but does not require the actual presence of a vehicle or pedestrian. Evidence that the free and uninterrupted flow of vehicles and pedestrians would be impeded should such have been present is sufficient to establish a violation under this article.

(Code 1973, § 25.04.050)

Cross reference— Definitions generally, § 1-2.

Sec. 66-107. - Prowling and blocking.

- (a) No person shall loiter or prowl 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 a claim is warranted is the fact that the actor takes flight upon the appearance of a police officer, refuses to identify himself, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall, prior to any arrest for an offense under this subsection, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the peace 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.

(b)

No person shall loiter, loaf, wander, stand or remain idle either alone or in consort with others in a public place so as to obstruct any public street, highway, sidewalk or any other public place or building by hindering or impeding or tending to hinder or impede the free and uninterrupted passage of vehicles or pedestrians in such a manner that it is reasonable to believe will cause a threat to public safety or a breach of the peace.

(Code 1973, § 25.04.010; Ord. No. 8-99, pt. 1, 5-4-99)

Sec. 66-108. - Material obstructions.

No person shall cause the obstruction of any public street, highway, sidewalk, or any other public place or building by the placement of any object or thing which would hinder or impede, or tend to hinder or impede, the free and uninterrupted passage of vehicles or pedestrians.

(Code 1973, § 25.04.020)

Sec. 66-109. - Occupying parkways.

No person shall occupy that portion of the street right-of-way commonly known as the "parkway," except during the period from 5:00 a.m. prior to the scheduled beginning of a parade or demonstration until one hour after the end thereof, along the designated route of such parade or demonstration.

(Ord. No. 22-90, pt. 1, § 25.04.025, 6-5-90; Ord. No. 12-93, pt. 1, 6-1-93)

Sec. 66-110. - Sitting on or in vehicles without owner's consent.

No person shall sit, climb, lean, or lie, without the consent of the owner or operator thereof, upon or in any portion of any vehicle parked upon any public property.

(Code 1973, § 25.04.030)

Sec. 66-111. - Order to disperse.

When any person causes or commits any of the conditions enumerated in this article, a police officer shall order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order may be arrested for a violation of this article.

(Code 1973, § 25.04.040)

Sec. 66-112. - Penalty for violation.

Upon conviction, any person found to be in violation of this article shall forfeit an amount as provided in section 1-15.

Sec. 66-113. - Menacing or aggressive panhandling prohibited.

- (a) Purpose. The purpose of this section is to ensure unimpeded pedestrian traffic flow, to maintain and protect the physical safety and well-being of pedestrians and to otherwise foster a safe and harassment-free climate in public places in the city.
- (b) Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
 - (1) "Public place" or "place open to the public" means an area generally visible to public view and includes streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public including those which serve food or drink, or provide entertainment, and the doorways or entrances in buildings or dwellings and the grounds enclosing them.
 - (2) "Known panhandler" means a person who within one year previous to the date of arrest for violation of this section has been convicted in a court of competent jurisdiction of any civil or criminal offense involving panhandling.
 - (3) A conversation or gesture or both shall be construed as "threatening" if a reasonably prudent individual would perceive such conduct as intending to result in the procurement of money or goods by threat or coercion.
 - (4) Behavior shall be construed as "aggressive" or "intimidating" if a reasonably prudent individual could be deterred from passing through or remaining in or near any thoroughfare, or place open to the public because of fear, concern or apprehension.
- (c) In or near any thoroughfare or place open to the public, no person either individually or as part of a group shall procure or attempt to procure a handout from another in an aggressive or intimidating manner. Among the circumstances which may be considered in determining whether such purpose or behavior is manifested are the following: that such person is a known panhandler; that such person continues to beckon to, accost or follow or ask passer(s)-by for a handout after the passer(s)-by has failed to respond or has told the person "no"; that such person engages in a course of conduct or commits any act which harasses or intimidates the passer(s)-by; or that such person utilizes or attempts to utilize bodily gestures or physical contact to impede the path of any passer(s)-by, including but not limited to unwanted touching or blocking the path or impeding the free movement of the passer(s)-by. The violator's conduct must be such as to demonstrate a specific intent to induce, solicit, or procure from another goods or money by aggressive or intimidating behavior. No arrest shall be made for a violation of this subsection

unless the arresting officer first affords such person an opportunity to explain such conduct, and no one shall be convicted of violating this subsection if it appears at trial that the explanation given was true and disclosed a lawful purpose.

- (d) No person shall procure or attempt to procure a handout when either the procurer or the person being solicited is located at any of the following locations: at a bus stop; in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; at a sidewalk cafe; or within 20 feet in any direction from an automatic teller machine or entrance to a bank.
- (e) It shall be unlawful for any person to sit or recline on a public sidewalk with an intent to procure or attempt to procure a handout.
- (f) Severability. The provisions of this section are severable. If any provision of this section is held to be invalid or unconstitutional or if the application of any provision of this section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions or applications of this section which can be given effect without the invalid or unconstitutional provisions or applications. It is hereby declared to be the intent of the common council that this section would have been adopted had any invalid or unconstitutional provision or applications not been included herein.

(Ord. No. 21-01, pt. 2, 9-4-01)

Secs. 66-114—66-135. - Reserved.