

Chapter 58

LOITERING

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**Article I
Definitions**

As used in this chapter, the following terms shall have the meaning indicated.

1. LOITER :

- i. To stand around or remain or to park or remain in a motor vehicle at a public place or place open to the public and to engage in any conduct prohibited under this chapter
- ii. To collect, gather, congregate, or be a member of a group or a crowd of people who are gathered together in any public place or place open to the public and to engage in any conduct prohibited under this chapter.

2. PANHANDLING: Shall mean to accost and beg from persons in a public place and shall include the conduct of begging which harasses, menaces, intimidates, impedes traffic or otherwise causes harm.

3. PLACE OPEN TO THE PUBLIC:

- i. Means 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, cemetery, or any place of amusement and entertainment, whether or not a charge of admission or entry is made.
- ii. It includes the elevator, lobby, halls, corridors, and areas open to the public of any store, office, or apartment building.

4. PUBLIC PLACE: Means 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 to, public parking lot, or any vacant lot.

Article II
Loitering Prohibited

§ 58-20. Loitering General.

1. It shall be unlawful for any person to loiter at, on, or in a public place or place open to the public in such manner:
 - a. to interfere with, impede, or hinder the free passage of pedestrian or vehicular traffic;
 - b. to interfere with, obstruct, harass, curse, or threaten or to do physical harm to another member of members of the public; or
 - c. that by words, acts, or other conduct, it is clear that there is a reasonable likelihood a breach of the peace or disorderly conduct shall result.
2. It shall be unlawful for any person to loiter at a public place or place open to the public and fail to obey the direction of a uniformed police officer or the direction of a properly identified police officer not in uniform to move on, when not to obey such direction shall endanger the public peace.
3. No person shall be charged with a violation of this section unless and until the arresting officer has first warned the person of the violation and the person has failed or refused to stop the violation.
4. Nothing in chapter shall be construed to prohibit orderly picketing or other lawful assembly.
5. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or both fine and imprisonment in the discretion of the court.

§58-21. Schools, day care centers, and family-support centers.

1. It is unlawful for any person who is without a business purpose for being there to loiter in any public or private school building, group day care center, or community family-support center, around its entrance, upon the school or center grounds, or upon a public way within 100 yards of the school or center grounds, and to refuse to leave such premises when requested to do so by a school security officer, a center representative, or a police officer.
2. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine of not more than \$500 or imprisonment for not more than 90 days, or both fine and imprisonment in the discretion of the court.

§ 58-22. Panhandling.

1. It shall be unlawful for any person to panhandle in a public place.
2. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, is subject to a fine of not less than \$25 nor more than \$500 or imprisonment for not more than 90 days, or both fine and imprisonment in the discretion of the court. Any such violation shall constitute a separate offense on each successive day continued.

§ 58-23. Severability.

Severability is intended throughout and within the provisions of this chapter. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the remaining articles or sections in any and all other respects shall not be affected thereby.