

ORDINANCE NO. 131AN ORDINANCE  
TO PROHIBIT LOITERING  
IN THE VILLAGE OF OCONOMOWOC LAKE

The Village Board for the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

Section 1:LOITERING PROHIBITED.

(1) No person shall loiter, stand, remain 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 alarm is warranted is the fact that the person takes flight upon the appearance of a police officer, refused to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances make it impracticable, a police officer shall, prior to any arrest for an offense under this section, afford the person any opportunity to dispel any alarm which would otherwise be warranted by requesting the person to identify himself or herself and explain his or her presence and 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 person was true and, if believed by the police officer at the time, would have dispelled the alarm.

(2) OBSTRUCTION OF TRAFFIC BY LOITERING. No person shall loiter, stand or remain, whether individually or in a group upon the public or private streets, driveways, alleys, sidewalks, street crossings, or bridges or in any other public places within the Village in such a manner as to prevent, interfere with or obstruct the ordinary free use of any said public or private streets, driveways, alleys, sidewalks, street crossings, and bridges or other public places by persons passing along and over the same after being requested to move on by any police officer.

(3) OBSTRUCTION OF ENTRANCEWAYS BY LOITERING. No person shall loiter, stand or remain, whether individually or in a group in doorways or entranceways in such a manner as to prevent, interfere with or obstruct the free entry of persons to the adjacent property, driveways or other entrances to such property after being requested to move on by any police officer.

(4) LOITERING IN PLACES OF ASSEMBLY OR PUBLIC USE. No person shall loiter, stand or remain in or about any depot, theater, dance hall, restaurant, store, parking lot, or other place of assembly or public use or prevent, or interfere with or obstruct the ordinary free use of any place of assembly or public use by others using such place of assembly or public use after being requested to move on by any police officer, proprietor of the place of business, or by any person in authority at such place.

(5) LOITERING ON PRIVATE PREMISES WITHOUT INVITATION. No person shall loiter, stand or remain, whether individually or in a group upon private premises without invitation from the owner or occupant after being requested to move on by any police officer or by the owner or occupant.

(6) LOITERING NEAR SCHOOLS PROHIBITED. No person, not in official attendance or on official school business, shall enter into, congregate, loiter, stand, remain, loaf, wander, stroll or play in any school building or on any school premises in the Village, or in or about any area adjacent thereto after being requested to move on by any police officer.

(7) PENALTIES. Any person over the age of 17 years violating the provisions of this Ordinance shall be subject to a forfeiture of not less than \$10.00 nor more than \$200.00 plus costs per each offense. Failure to pay any forfeiture hereunder shall subject any violator over the age of 17 years to be sentenced to the County Jail until such forfeiture is paid, but not to exceed ninety (90) days.

Any person between the ages of 14 and 17 shall be subject to a forfeiture of not less than \$10.00 nor more than \$25.00 plus costs per each offense or referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes. Failure to pay any forfeiture hereunder shall subject the violator to the provisions of Section 48.17(2), Wisconsin Statutes.

Any person under the age of 14 years shall be referred to the proper authorities as provided in Chapter 48, Wisconsin Statutes.

#### Section 2: SEVERABILITY.

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain

in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section 3: EFFECTIVE DATE.

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

This Ordinance passed this 18 day of October, 1993.

BY ORDER OF THE VILLAGE BOARD OF  
THE VILLAGE OF OCONOMOWOC LAKE,  
WAUKESHA COUNTY, WISCONSIN

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WILLIAM F. ROBERTS,  
VILLAGE PRESIDENT

ATTEST:

*CW Wierdsma*  
CHERYL WIERDSMA, VILLAGE CLERK

Published or posted on the 20 day of October, 1993.

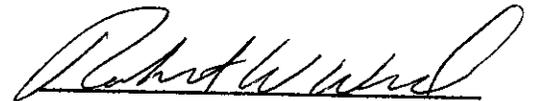
STATE OF WISCONSIN )  
                          )  
COUNTY OF WAUKESHA )

AFFIDAVIT OF POSTING  
ORD #131 LOITERING

The undersigned, being first duly sworn, on oath deposes and states that on Oct 21, 1993 at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village.

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive (South Beach Road) leading into the Borisch, Fischer, Lowry, et al properties.



Subscribed and sworn to before me

this 21 day of October, 1993

Robert Wurdama

Notary Public, Waukesha County, Wisconsin

My commission expires: 11-19-95