

City of Fond du Lac, WI
Thursday, September 5, 2024

Chapter 500. Peace and Good Order

§ 500-2. Loitering and prowling.

- A. Loitering. 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 alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances make it impracticable, a peace officer shall, prior to any arrest for any offense under this section, 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 section 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. Dwelling areas, etc. No person shall wait or otherwise loiter in the vicinity of any private dwelling house, apartment building or any other place of residence with the unlawful intent to watch, gaze or look upon the occupants therein in a clandestine manner.
- C. Public rest rooms. No person shall loiter in or about any toilet open to the public for the purpose of engaging in or soliciting any lewd or lascivious or any unlawful act.
- D. Public grounds. No person shall loiter in or about any public grounds at or near where children or students normally congregate. As used in this subsection, "loiter" means to delay, linger or idle in or about any public grounds without a lawful purpose for being present.
[Amended 1-10-1996 by Ord. No. 2817]
- E. Presence on school grounds prohibited.
[Amended 1-10-1996 by Ord. No. 2817]
- (1) No person other than a student of the particular school, parent or guardian of such student, or employee or agent of the Fond du Lac School District shall be present in the building or on the grounds of any school operated by the District during regular school hours on any day when the school is in session without the express permission of an authorized representative of the school.
 - (2) A student of a particular school who is on school grounds but who is not in attendance at an assigned class at any particular time shall be guilty of a violation of this subsection.
 - (3) A student who has been suspended or expelled from a school shall not be considered a student of the school during the period of such suspension or expulsion and is prohibited from being present on any school building, premises or grounds at any time throughout the period of such suspension or expulsion absent express permission from an authorized representative of the school.
 - (4) Any person who goes into a school building or onto the school grounds in violation of Subsection E(1), (2) and (3) above and subsequently refuses to leave said building or

grounds after being requested to do so by an authorized representative of the school or a police officer shall be deemed in violation of this subsection.

- (5) If a school is an official polling place, Subsection E(1), (2) and (3) shall not apply to an elector entering said building on a designated election day to cast his or her ballot.
- F. Public buildings. No person shall lodge in any public building, structure or place without the permission of the owner or person entitled to possession or in control thereof.
- G. Obstruction of traffic by loitering. No person shall loaf or loiter in a group or a crowd upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, alleys, street crossings and bridges or other public places by persons passing along and over the same.
[Amended 4-24-1996 by Ord. No. 2834]
- H. Loitering after being requested to move.
[Amended 4-24-1996 by Ord. No. 2834]
- (1) Obstructing highways. No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- (2) In groups or crowds. No person shall loaf or loiter in a group or a crowd upon the public streets or sidewalks, or in adjacent doorways or entrances, or on street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant, after being requested to move on by any police officer or by any person in authority at such places.
- (3) In places of public assembly or use. No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, sidewalk, parking lot, or other place of assembly or public use after being requested to move on by any police officer or by the owner or other person in charge of such place. Upon being requested to move, a person shall comply immediately with such request by leaving the premises or the area.
- (4) When signs posted. No person shall loiter, lounge or loaf on private property posted by means of a sign or signs prohibiting such conduct, without the express consent of the owner or other person in charge thereof. The presence of a person on such property for a period of 10 minutes or longer after being requested to move by the owner or person in charge or his/her/its agent shall be presumptive evidence of a violation of this subsection.^[1]
[1] *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).*