

CHAPTER 203. LOITERING.

203.01. Loitering. Whoever does any of the following within the limits of the City of Ashland shall be liable for a forfeiture of not less than \$100.00 plus court costs and reasonable attorneys' fees, but not more than \$500.00 plus court costs and reasonable attorneys' fees:

(a) Loiters or prowls in a public or private 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 of any object.

(b) Unless flight by the actor or other circumstances makes it impracticable, a peace officer shall prior to any arrest for an 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.

(c) Loiters in or near any thoroughfare, place open to the public, or near any public or private place in a manner and under circumstances manifesting the purpose to engage in drug-related activity contrary to any of the provisions of the Wisconsin Statutes.

(d) Circumstances which may be considered in determining whether a purpose to engage in drug-related activity is manifested include but are not limited to:

(1) The person loitering is a known unlawful drug user, possessor, or seller. For purposes of this Ordinance, a known unlawful drug user, possessor, or seller is a person who has, within the knowledge of the arresting officer, been convicted in any Court within this State of any violation involving the use, possession, or sale of any of the substances referred to in Chapter 161 of the Wisconsin Statutes, or such person has been convicted of any violation of any of the provisions of said chapters of the Wisconsin statutes, or substantially similar laws of any political subdivision of this State or of any other State; or a person who displays physical characteristics of drug intoxication or usage, such as needle tracks; or a person who possesses drug paraphernalia.

(2) The person loitering is currently subject to an order prohibiting his/her presence in a high drug activity geographic area;

(3) The person loitering behaves in such a manner as to raise a reasonable suspicion that he or she is about to engage in or is then engaged in an unlawful drug-related activity, including by way of example only, such person acting as a lookout,

(4) The person loitering is physically identified by the officer as a member of a gang, or association which has as its purpose illegal drug activity;

- (5) The person loitering transfers small objects or packages for currency in a furtive fashion;
- (6) The person loitering takes flight upon the appearance of a police officer;
- (7) The person loitering manifestly endeavors to conceal himself or herself or any object which reasonably could be involved in an unlawful drug-related activity;
- (8) The area involved is by public repute known to be an area of unlawful drug use and trafficking;
- (9) The premises involved are known to have been reported to law enforcement as a place suspected of drug activity.

203.02. Non-repealer. The provisions of this ordinance are intended as cumulative and selective, and shall not repeal any other ordinance involving the same subject matter.

ADOPTED: 203 (1368) 4/16/1996