

TITLE XIII: GENERAL OFFENSES

Chapter

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Section

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' **130.01 DISCHARGING FIREARMS OR OTHER DEADLY WEAPONS.**

It is unlawful for any person to discharge any firearm or other deadly weapon within the limits of the town. This provision does not apply to any legally appointed police officer in the line of duty. (Ord. 1979-2, passed 3-21-1979) Penalty, see ' 130.99

' **130.02 LOITERING.**

(A) A person commits a violation if he or she loiters or prowls 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 alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or 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 it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect=s escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a No Loitering sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall, or that portion of private property utilized for

public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) It shall be unlawful for any person to loiter in or near any thoroughfare or place open to the public for the purpose of inducing, enticing, soliciting, or procuring another to commit an act of prostitution. Among the circumstances which may be considered in determining whether the action is consistent with the intent to induce, entice, solicit, or procure another to commit an act of prostitution are that the person is a known prostitute or panderer and repeatedly beckons, in the attempt to stop or engage male or female passers-by in conversation, or repeatedly stops or attempts to stop motor vehicles by engaging their operators by hailing, waving of arms, or other bodily gestures. The violator's conduct must be such as to demonstrate a specific intent to induce, entice, solicit, or procure another to commit an act of prostitution. No arrest shall be made for a violation of this division unless the arresting officer first affords the person an opportunity to explain his or her conduct, and no one shall be convicted of violating this division if it appears at trial that the explanation given was true and disclosed a lawful purpose.

(D) **PUBLIC PLACE.** For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including 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 and entrances to buildings or dwellings and the grounds enclosing them.

Penalty, see ' 130.99

' 130.03 ILLEGAL DUMPING.

(A) It shall be illegal to dump, deposit, leave, abandon or otherwise place refuse, waste materials, garbage, junk items, or any other discarded materials upon any public property, subject to division (B) below.

(B) The limited placement or deposit of grass clippings, leaves, and other plant material is allowed by the town upon a designated area located on Scott Street for deposits only by individual town residents for their personal use, and not for any business or commercial deposit or use. The placement or deposit of any other materials at that site, not otherwise permitted by this division, is strictly prohibited by this section. (Ord. 1995-10, passed 9-20-1995; Am. Ord. 2012-2, passed 8-15-2012) Penalty, see ' 130.99

' 130.99 PENALTY.

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of ' 10.99.

(B) Any person violating ' 130.01 shall result in a fine of not less than \$10 nor more than \$500 upon conviction. Each discharge of a weapon shall constitute a separate offense.
(Ord. 1979-2, passed 3-21-1979)

(C) Any person who violates ' 130.03 shall be subject to a civil penalty of \$50 per violation.
(Ord. 1995-10, passed 9-20-1995)

