

**STATE OF WISCONSIN
MILWAUKEE AND OZAUKEE COUNTIES
VILLAGE OF BAYSIDE**

ORDINANCE NO: 12-747

**An Ordinance to Repeal and Recreate Section 35-119
of the Municipal Code with Regard to Loitering**

The Village Board of the Village of Bayside, Milwaukee and Ozaukee Counties, Wisconsin does ordain as follows:

Section One: Section 35-119 of the Municipal code is hereby repealed and recreated to read as follows:

35-119 – Loitering prohibited.

- (a) As used in this section, the term “loiter” means to be slow in moving, to delay, to linger, to saunter, to prowl, or to lag behind.
- (b) No person shall loiter 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 that may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify him or herself, or manifestly endeavors to conceal him or herself or any object.
- (c) No person shall loiter upon the public streets, sidewalks, street crossings, parks, vacant lots, public buildings, water ways, or any public place in the Village in such manner as to prevent, interfere with or obstruct the ordinary free use of such public streets, sidewalks, street crossings, parks, vacant lots, public buildings, water ways, or public places by persons using or passing along over or by the same.
- (d) No person shall loiter upon the public streets, private driveways, or sidewalks or in adjacent doorways or entrances so as to obstruct the free entry of such property.
- (e) No person shall by loitering interfere with the free use of any place of public assembly or public use by others using such place of public assembly.
- (f) No person shall loiter on any private premises without invitation from the owner or legal occupant.
- (g) Any person violating the provisions of this chapter may be subject to forfeiture under the general penalty provisions of this code as specified in section 1-13.

Section Two: Severability. In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

Section Three. All ordinances or parts of ordinances conflicting with the provisions of this ordinance are hereby to such extent repealed.

Section Four. This ordinance shall take effect and be in force after its passage and posting pursuant to law.

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Bayside this fourteenth day of December, 2023.

VILLAGE OF BAYSIDE

Eido M. Walny, Village President

Rachel Safstrom, Administrative Services Director /
Village Clerk