

## CHAPTER 46. OFFENSES AND MISCELLANEOUS PROVISIONS

### ARTICLE IV. Offenses Involving Public Peace and Order

#### **Section 46-91. Breach of the peace.**

No person shall use any language in a public place that is reasonably calculated to cause an immediate breach of the peace.

#### **Section 46-92. Loitering.**

(a) Whoever commits any of the following acts is guilty of a petty misdemeanor:

- (1) Lingering about the doorway of any building, or sitting or lingering upon the steps, windowsills, railing, fence, or parking area adjacent to any building in such a manner so as to obstruct or partially obstruct ingress to or egress from such building or in such a manner to annoy the owner or occupant.
- (2) Remaining for more than five minutes on any private business premise which is posted with a conspicuous sign containing the words "No Loitering" when: (i) the business establishment is closed; or (ii) the person charged does not visibly demonstrate any intent to conduct business at the establishment or to leave the premise after having conducted such business.
- (3) Remaining for more than five minutes on any public business premise which is posted with a conspicuous sign containing the words "No Loitering" when such premise neither has been nor will be open for business within 30 minutes.
- (4) Remaining for more than five minutes on any public or private non-business premise which is posted with a conspicuous sign containing the words "No Loitering."
- (5) Lingering for any length of time upon any public or private premises or move in a slow and deliberate manner without purpose or otherwise interfere with, obstruct, or render dangerous or unreasonable for passage, any public highway, sidewalk, parking area or right-of-way after having been warned within the preceding four months, either orally or in writing, by the owner, agent, manager, or person in charge thereof, or by any law enforcement agent or official, that such conduct will result in a charge under this section. The provisions of this subsection shall be applicable only along any street designated as a "No Cruising Zone" and only between the hours of 9:00 p.m. and 2:00 a.m.

(b) Whoever commits any of the following acts is guilty of a misdemeanor:

- (1) Failing or refusing to vacate or leave any premises after being requested or ordered, either orally or in writing, to do so by the owner, agent, manager or person in charge thereof, or by any law enforcement agent or official or returning at any time thereafter to any such premise after having been so requested or ordered to vacate such premise.

- (2) Any of the acts described in this Article within one (1) year of being found guilty of any violation of this Article.
- (c) For purposes of this section, premises shall include any yard, lot, parcel, sidewalk, boulevard, street, highway, alley, park, playground, restaurant, cafe, church, school, any car or other motor vehicle, parking lot, drive-in, building used for business, commercial or industrial purposes, washroom or lavatory, apartment hallway or other location whether public or private in the city. Business premises include all premises, whether public or private, which include a facility that has established open and closed hours. Non-business premises include all other premises in the city.

**Section 46-93.**

**Aggressive Solicitation.**

- (a) Definitions.
  - (1) *Solicitation*, as used in this section, means any plea made in person where:
    - a. A person by vocal appeal requests an immediate donation of money or other item from another person;
    - b. A person verbally offers or actively provides an item or service of little or no value to another in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

However, solicitation shall not include the act of passively standing, sitting, or engaging in a performance of art with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

  - (2) *Convenience store*, as used in this section, means a retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with them, with a gross floor area of less than seven thousand five hundred (7,500) square feet.
  - (3) *Public entertainment venue* means a place that is open to the public (whether or not upon payment of a fee for admission and whether or not the management reserves the right to exclude individual members of the public) for entertainment but does not include a shop. The term includes, but is not limited to, cinemas, theatres, concert halls, electronic games centers, indoor sports centers (including a bowling alley), art galleries, museums, and premises upon which any display or exhibition promoted such as is conducted.
- (b) Prohibitions.
  - (1) It shall be unlawful in a public place to engage in an act of solicitation when the person being solicited is present at any of the following locations:
    - a. In a restroom.
    - b. At a bus stop or shelter or the North Star station.

- c. At or within ten (10) feet in any direction from a crosswalk.
  - d. In any public transportation vehicle or public street or alley.
  - e. In a vehicle which is parked or stopped on a public street or alley.
  - f. In a sidewalk café.
  - g. In a line waiting to be admitted to a commercial or governmental establishments.
  - h. Within eighty (80) feet in any direction from an automatic teller machine or entrance to a bank, other financial institutions, or check cashing business.
  - i. On any park land, or in any park, playground, or public entertainment venue, including within fifty (50) feet of entry ways or exits thereto.
  - j. At or within ten (10) feet in any direction of the property on which is located a gasoline filling station.
  - k. At or within ten (10) feet in any direction of the property on which is located a liquor store, including any establishment with an off-sale license.
  - l. At or within ten (10) feet in any direction of the property on which a convenience store is located.
- (2) It shall be unlawful in a public place to engage in an act of solicitation in a manner that incorporates any of the following methods:
- a. Intentionally touching or causing physical contact with the solicited person without that person's consent.
  - b. Intentionally blocking the path of the solicited person, or the entrance to any building or vehicle.
  - c. Following behind, ahead or alongside a person who walks away from the solicitor after being solicited, with the intent to intimidate or continue solicitation.
  - d. Using obscene, profane, or abusive language or gestures toward the solicited person.
  - e. Approaching the solicited person in a manner that:
    - 1. Is intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or
    - 2. Is intended to or is likely to intimidate a reasonable person into responding affirmatively to the solicitation.
  - f. Solicitation while under the influence of alcohol or drugs.

g. Soliciting in a group of two (2) or more persons.

(3) It shall be unlawful in a public place to engage in an act of solicitation on any day after sunset, or before sunrise.

(c) *Penalties.* Each act of solicitation prohibited by this section shall constitute a separate violation of this section. Each violation shall be punishable as a misdemeanor.

**Sections 46-94 thru 46-120.**

**Reserved.**

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