

## **CHAPTER 9 ORDERLY CONDUCT**

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## ORDERLY CONDUCT 9.01

**9.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.** The following Statutes following the prefix “9” defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this code.

9.346.935	Drinking in Motor Vehicles on Highway
9.940.19 (1)	Battery
9.940.32	Stalking
9.940.34	Duty to Aid Endangered Crime Victim
9.941.01	Negligent Operation of Vehicle
9.941.03	Highway Obstruction
9.941.10	Negligent Handling of Burning Materials
9.941.12	Interfering With or Failing to Assist in Fire Fighting
9.941.13	False Alarms and Interference with Fire Fighting
9.941.20	Reckless Use of A Weapon
9.941.20 (3)	Discharge of Firearm From Vehicle
9.941.21	Disarming a Police Officer Prohibited
9.941.23	Carrying Concealed Weapon
9.941.24	Possession of Switch Blade Knife
9.941.296	Use of Facsimile Firearms
9.941.36	Fraudulent Tapping of Utilities
9.941.37	Obstruction of Emergency Vehicles Prohibited
9.943.01 (1)	Criminal Damage to Property (Less Than \$200)
9.943.012	Criminal Damage to Religious and Other Property
9.943.06	Molotov Cocktails
9.943.017	Graffiti Prohibited
9.943.11	Entry into Locked Vehicle
9.943.125	Entry into Locked Coin Box
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.15	Entry Onto a Construction Site
9.943.20	Theft (\$500 or Less)
9.943.21	Fraud on Hotel or Restaurant Keeper
9.943.22	Use of Cheating Tokens
9.943.23	Operating Vehicle Without Owner’s Consent
9.943.23 (1g)	Carjacking
9.943.24	Issue of Worthless Checks
9.943.34	Receiving Stolen Property
9.943.46	Theft of Cable Television Service
9.943.47	Theft of Satellite Cable Programming
9.943.50	Retail Theft
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings

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9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution
9.945.02	Gambling
9.945.04	Permitting Premises to be Used For Commercial Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.49	Bail Jumping
9.946.65	Obstructing Justice
9.946.69	Falsely Acting as Public Officer or Utility Employee
9.946.70	Personating Peace Officer
9.946.72	Tampering With Public Records and Notices
9.947.01(1).	Disorderly Conduct
9.947.012	Unlawful Use of Telephone
9.947.0125	Unlawful Use of Computerized Communication Systems
9.947.013	Harassment Prohibited
9.947.015	Bomb Scares
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.15	Contributing to the Neglect of a Minor
9.948.015-.62	Crimes Against Children
9.951.01-.06	Crimes Against Animals
9.961.41 (3r)	Possession of Drug Paraphernalia
9.961.573	Manufacture or Delivery of Drug Paraphernalia

**9.02 POSSESSION AND USE OF FIREARMS AND OTHER DANGEROUS WEAPONS.** (1) **DEFINITIONS.** For the purpose of this section, the following definitions shall apply:

(a) **Firearm.** Any weapon from which a shot may be fired by the force of an explosive or propellant, including, but not limited to, rifles, pistols, shotguns, air guns and BB guns.

(b) **Other Dangerous Weapon.** Includes bow and arrow, crossbow, sling shot, blow gun, brass knuckles, numb chucks and other similar weapons.

(c) **Public Building.** Any building, including the grounds thereof, owned by the State or Federal governments, the City, the County or the public School District.

(d) **Public Land.** Any land owned by the State or Federal governments, the City, the County or the public School District

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(e) Public Place. Any privately owned building which is open to the public.

(2) **POSSESSION OF FIREARMS PROHIBITED**. In addition to the provisions of sub. (3) below, no person except duly authorized city, village, county, state or Federal law enforcement officers specifically authorized by law to carry firearms shall possess a firearm while in any public building, as defined in sub. (1)(c) above, within the City as provided in §941.235, Wis. Stats., within any school zone as provided in §948.605, Wis. Stats., or goes armed with a hand gun into a tavern as provided in §946.237, Wis. Stats.

(3) **USE OF OTHER DANGEROUS WEAPONS**. (a) Regulated. No person shall shoot, discharge, or cause to be discharged any other dangerous weapon anywhere in the City except as provided in par. (b) below.

(b) Exceptions:

1. Supervised areas designated as shooting ranges by the Black River Falls Common Council.
2. Uses granted under a conditional use permit pursuant to ch. 17 of this Code
3. Law enforcement officers when acting in the normal course of their employment and duties.
4. Any person possessing a valid license or permit issued by the Wisconsin Department of Natural Resources may hunt with a bow and arrow or crossbow as long as they are not within 100 yards of a building located on another person's land unless the person who owns the land on which the building is located gives the hunter express, written consent to hunt within 100 yards.
5. Any person who hunts with a bow and arrow or crossbow within the city limits in accordance with exception 4 above shall only discharge the arrow or bolt from the respective weapon toward the ground.

**9.03 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED**. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile by hand or by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground or other public place within the City.

**9.04 POSSESSION OF MARIJUANA**. (1) **PROHIBITED**. Subject to sub. (2) below and subject to the exception provided in §161.41(3r), Wis. Stats., no person shall possess marijuana, as defined in §161.01.(14) , Wis. Stats.

(2) **EXCEPTIONS**. This section shall not apply to a person who possesses more than 25 grams of marijuana or to a person who is charged with possession of any amount of marijuana following a conviction for possession of marijuana in this State.

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(3) PENALTY. Any person who shall violate sub. (1) above, except as provided in sub. (2) above, shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

**9.05 USE OF CIGARETTES AND TOBACCO PRODUCTS.** (1) DEFINITIONS. The terms used herein shall be defined as follows:

(a) Cigarette. The meaning given in §139.30(1), Wis. Stats.

(b) Law Enforcement Officer. The meaning given in §30.50(4s), Wis. Stats.

(c) Tobacco Products. The meaning given in §139.75(12), Wis. Stats.

(2) PROHIBITED. Except as provided in sub. (3) below, no person under 18 years of age

may do any of the following:

(a) Buy or attempt to buy any cigarette or tobacco product

(b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.

(c) Possess any cigarette or tobacco product.

(3) EXCEPTIONS. A person under 18 years of age may purchase cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licensed under §134.65(1), Wis. Stats.

(4) ENFORCEMENT. A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of sub. (2) above committed in his presence.

(5) AUTHORITY. This section is adopted pursuant to §48.983, Wis. Stats.

**9.06 RESTRICTIONS ON SALE OR GIFT OF CIGARETTES OR TOBACCO PRODUCTS.** (1) DEFINITIONS. The definitions set forth in §134.66(1) are hereby adopted by reference and made a part hereof.

(2) RESTRICTIONS.

(a) No retailer may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in §48.983(3), Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his vending machine by a person under the age of 18 if the vending machine operator was unaware of the purchase.

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(b) 1. A retailer shall post a sign in areas within his premises where cigarettes or tobacco products are sold to consumers stating that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this section and §48.983, Wis. Stats.

2. A vending machine operator shall attach a notice in a conspicuous place on the front of his vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under §48.983, Wis. Stats., and that the purchaser is subject to a forfeiture not to exceed \$25 .

(c) No person may place a vending machine within 500 feet of a school.

(d) No manufacturer, distributor, jobber, sub jobber or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.

(3) DEFENSE OF RETAILER. Proof of all of the following facts by a retailer who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a

violation of sub. (2) (a) above:

(a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser and in the belief that the purchaser had attained the age of 18.

(4) PENALTIES.

(a) 1. In this subsection, "violation" means a violation of sub. (2) (a), (c) or (d) above.

2. A person who commits a violation is subject to a forfeiture of:

a. Not more than \$500 if the person has not committed a previous violation within 12 months of the violation; or

b. Not less than \$200 nor more than \$500 if the person has committed a previous violation within 12 months of the violation.

3. A court shall suspend any license or permit issued under §§134.65, 139.34 or 139.79, Wis. Stats., to a person for:

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a. Not more than 3 days if the court finds that the person committed a violation within 12 months after committing one previous violation; or

b. Not less than 3 days nor more than 10 days if the court finds that the person committed a violation within 12 months after committing 2 other violations; or

c. Not less than 15 days nor more than 30 days if the court finds that the person committed the violation within 12 months after committing 3 or more other violations.

4. The court shall promptly mail notice of a suspension under subpar. 3. above to the Department of Revenue and to the clerk of each municipality which has issued a license or permit to the person.

(b) Whoever violates sub. (2)(b) above shall forfeit not more than \$25.

(5) AUTHORITY. This section is adopted pursuant to §134.66, Wis. Stats.

**9.07 SALE AND USE OF FIREWORKS REGULATED.** (1) DEFINITION. The definition of "fireworks" stated in §167.10(1), Wis. Stats., is hereby adopted by reference.

(2) SALE REGULATED. Except as provided in §167.10(2) and (4), Wis. Stats., no person shall sell, or possess with the intent to sell, fireworks.

(3) USE REGULATED. Except as provided in §167.10(3), Wis. Stats, no person shall possess or use fireworks without a user's permit issued pursuant to sub. (4) below.

(4) USER'S PERMIT. As provided in §167.10(3), Wis. Stats., fireworks user's permits may be issued by the Mayor, or other City official designated by the Mayor. The official issuing the permit shall require a certificate of liability insurance, or similar proof of coverage, in an amount he deems necessary. A copy of the permit and proof of insurance shall be filed with the City Clerk and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use.

(5) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in §167.10 (1) (e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

**9.08 LOUD AND UNNECESSARY NOISE PROHIBITED.** (1) GENERAL. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley or park or any private residence.

(2) SOUND AMPLIFYING EQUIPMENT. The following regulations shall apply to the use

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of sound amplifying equipment within the City:

(a) Sound amplifying equipment shall be permitted only to publicize events of community-wide interest and importance which are of a noncommercial nature.

(b) The only sounds permitted shall be music and human speech.

(c) Except for City sanctioned events, sound amplifying equipment shall be used only between 9:00 A.M. and 5:00 P.M.

(d) No sound advertising shall be permitted on Sundays or legal holidays.

(e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 200 feet from its source and so that the volume of sound emitted therefrom shall not be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(3) **CONSTRUCTION AND MACHINERY NOISE.** Except for emergencies, between the hours of 9:00 P.M. and 7:00 A.M. no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature.

(4) **DYNAMIC BRAKING DEVICES.** It is unlawful for any person to operate any motor vehicle within the City limits with a dynamic braking device (common referred to as Jake brakes, Jacobs brake, engine brake or compression brake) engaged, except for the aversion of imminent danger.

**9.09 LOITERING PROHIBITED.** (1) **LOITERING OR PROWLING.** 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 person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or peace 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 him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace 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 believed by the police or peace officer at the time, would have dispelled the alarm.

(2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** 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.

(3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in groups or crowds 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 sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.



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(4) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, 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 by any police officer or by any person in authority at such places.

(5) **LOITERING IN PUBLIC PLACES.** No person shall loiter, lounge or loaf in or about any depot, theater, dance hall, restaurant, store, public sidewalk, public parking lot or other place of assembly or public use after being requested to move by the owner or person in charge or any police officer. Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.

**9.095 PROHIBITING PUBLIC URINATION AND DEFECATION** (1) No person shall defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public areas within the City of Black River Falls, or upon any public or private property in open view of the public, or in the halls or rooms without designed sanitary facilities, stairways or elevators of public or private commercial buildings.

(2) **PENALTIES** Any person who violates this ordinance shall be subject to the penalty as set forth in Section 25.04 of this Code of Ordinances.

**9.10 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.** (1) **PRESENCE REGULATED.** It shall be unlawful for any person other than an authorized person, as hereinafter defined, to be present within any school building or upon any school grounds

under the jurisdiction of the Board of Education of the Black River Falls School District without having first secured authorization therefore from the principal or other person in charge of said premises, except while in direct route to secure said authorization .

(2) **DEFINITION.** Authorized persons shall include:

(a) Students presently enrolled to attend school under the jurisdiction of the Board of Education of said School District, but excluding any student under suspension, expulsion, exemption or other discipline prohibiting such student from attending school under the jurisdiction of said School Board unless the terms of such prohibition expressly permit such presence.

(b) Employees of said School District.

(c) Any parent or guardian of any student or employee.

(d) Any person present at any school building or school grounds for any purpose previously authorized by the Board of Education of said District or its designee.

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(3) POSTING NOTICE. All entrances to school premises referred to in sub. (1) above shall be posted with notice that "Entry by Unauthorized Persons is Prohibited: Section 9.10, Municipal Code of Black River Falls, Wisconsin." Any person who knowingly obliterates or otherwise defaces any such notice shall be subject to a penalty.

(4) AUTHORIZATION DISPLAY REQUIRED. Any person shall, upon request of any police officer or the superintendent of schools, or the principal or other person in charge of any school building or school grounds under the jurisdiction of said School Board, display any written authorization to be present therein or thereon which may be in his possession, or otherwise explain such facts as constitute "authorized person" status, defined in sub. (2) above.

**9.11 TRUANCY.** (1) PROHIBITED. A child is prohibited from being a truant.

(2) DEFINITIONS. For purposes of this section:

(a) Truant. A pupil who is absent from school without an acceptable excuse UNDER §§118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.

(b) Child. A pupil under 18 years of age.

(3) PENALTY. Upon finding that a child is a truant, the court shall enter an order making one or more of the following dispositions:

(a) An order for the child to attend school.

(b) A forfeiture of not more than \$50 plus costs for a first violation or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to §938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

**9.12 CONSUMPTION OF ALCOHOL BEVERAGES ON PUBLIC PROPERTY AND PARKING LOTS PROHIBITED.** (1) DEFINITIONS. (a) Public Property. Any property, including buildings or structures thereon, which is owned, leased or operated by the City, or public, private or parochial schools; public sidewalks; roadways and streets; playgrounds; parks; and alleys.

(b) Public Parking Lot. Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.

(c) Licensed Premises. The area as described in the license application and which is licensed pursuant to ch. 12 of this Code.

(2) CONDUCT PROHIBITED. No person shall consume or possess any opened alcohol beverage in or

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upon any public property or public parking lot.

(3) **EXCEPTIONS.** (a) The prohibitions in sub. (2) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to ch. 12 of this Code.

(b) The prohibition in sub. (2) above shall not apply to a school-sponsored activity when specifically permitted in writing by the school administrator.

(c) The prohibitions in sub. (2) above shall not apply to those persons who transport unopened alcohol beverages from a point of purchase to their destination unless it is in violation of §346.93, Wis. Stats.

(d) The prohibitions in sub. (2) above shall not apply to fermented malt beverages consumed in any City park.

**9.13 ANIMALS AND POULTRY NOT TO RUN AT LARGE.** No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the City.

**9.14 LITTERING.** (1) **PROHIBITED.** No person shall deposit any mud, glass, refuse or waste, filth or other litter upon the streets, highways, alleys, parks or other property of the City or upon any private property or into or upon any body of water or stream within the City.

(2) **PENALTY.** Any person found guilty of violating this section shall be subject to a forfeiture, as provided in sec. 25.04 of this Code, plus the cost of cleanup. Each day a violation continues shall constitute a separate violation.

## **9.15 CONTROL OF PET LITTERING AND CLEANUP REQUIRED.**

(1) **ANIMAL LITTERING PROHIBITED.** No person owning, keeping, possessing or harboring an animal shall allow such animal to dig upon, soil, defile, defecate on or commit any nuisance on any private or public property.

(2) **REPAIR AND REMOVAL REQUIRED.** Any person owning or having control of an animal on any property, public or private, which is not owned or occupied by such person shall promptly remove, in a sanitary manner, excrement left by such animal and place it in a proper receptacle or bury the same on property owned or occupied by such person and, to the extent any such animal may have littered or damaged property, as described in sub.(1) above, the person having control of said animal shall immediately repair and restore the area damaged by such animal.

(3) **MEANS OF TRANSMITTAL REQUIRED.** Any person causing or permitting an animal to be on any property, public or private, not owned or occupied by such

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person shall have in his immediate possession a device or object suitable for removal of excrement (pooper scooper) together with a depository for the transmission of excrement to the property owned or occupied by such person.

- (4) **ANIMAL DRAWN VEHICLE.** Any animal, including but not limited to horses which are used for pulling any carriage, cart, wagon, or similar vehicle on public property shall be equipped with a device to catch and collect solid animal fecal matter. The Police Chief may grant exceptions to this ordinance for duly authorized parades provided that adequate provisions are made for the collection and removal of animal fecal matter.
- (5) **PENALTY.** The owner of any animal as well as persons keeping, possessing, harboring or having control of any such animal at the time a violation of this section occurs, shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

**SECTION 2. Effective date.** Upon passage and publication, this Ordinance shall take effect and be in force as provided by law.

**9.16 BURNING REGULATIONS.** No person shall burn any leaves, trash or rubbish within the City without the permission of the Fire Chief. See also ch. 5 of this Code.

**9.17 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.** No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fastened in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.

**9.18 ABANDONED OR UNATTENDED ICEBOXES, ETC., PROHIBITED.** No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap lock, or other locking device which may not be released from the inside, without first removing such door or lid, snap lock or other locking device from such icebox, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

**9.19 CURFEW. (1) VIOLATION.** No child under the age of 17 years shall remain, and no parent or legal guardian shall knowingly permit his child or ward to so remain, upon any street or alley or other public place in the City between 10:30 P.M. and 6:00 A.M. the next day.

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(2) EXCEPTIONS. The following shall constitute valid exceptions to the operation of the curfew:

(a) At any time, if the child is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the child's parent or legal guardian.

(b) At any time, in the event of an emergency which would justify the reasonableness of the child's presence.

(c) At any time while the child is pursuing the duties of his employment.

(d) Until the hour of 12:30 A.M. if the child is on an errand as directed by the child's parent or legal guardian.

(e) If the child is coming directly home from a public meeting or place of public entertainment such as a movie, play, school, church or sporting event. This exception will apply for 1/2 hour *after* the completion of such event, but in no case beyond 12:30 A.M. If the event is not commercial in nature or does not have a fixed publicly known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance informing it of the time such event is scheduled to be, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization.

(f) If the child is coming directly home from a private home which has been approved by the child's parent or legal guardian.

(g) Until the hour of 12:30 A.M. if the child is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately adjacent thereto.

(3) TAKING A CHILD INTO CUSTODY. A child believed to be violating this section shall be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of sub. (1) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort to immediately release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision, that person may release the child to a responsible adult, and verbally counsel or warn, as may be appropriate; or, in the case of a runaway child, may release the child to a home ad under §48.227, Wis. Stats. The parent, guardian or, legal custodian or other responsible adult to whom the child is released shall sign a release for the child.

(4) PENALTY. Any person who shall violate this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

**9.20 DESTRUCTION OF PROPERTY PROHIBITED.** (1) No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or

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nature belonging to the City or its departments or to any private person without the consent of the owner or proper authority.

(2) No person shall destroy or remove any tree or shrub planted in any downtown sidewalk, tree, lawn or City park without consent of the proper City department.

**9.21 MISUSE OF E911.** (1) DEFINITION. As used in this section, "emergency" means a situation in which property or human life are in jeopardy and the prompt summoning of aid is essential.

(2) PROHIBITED. No person shall intentionally use or cause to be used the E911 emergency telephone system, knowing that no emergency exists.

**9.22 LIBRARY REGULATIONS.** (1) RETURN REQUIRED. No person shall fail, on demand, to return any book, periodical, pamphlet or other article of property belonging to or in charge of the Public Library, according to the rules and regulations duly made and adopted by the Library Board.

(2) UNLAWFUL TAKING PROHIBITED. (a) No person shall take or remove from the library any of the aforesaid materials or property without first having it charged out to him, as provided by said rules and regulations.

(b) Whoever intentionally takes and carries away, transfers, conceals or retains possession of the aforesaid materials and property without the consent of the library staff and with intent to deprive the library permanently of the possession thereof may be penalized hereunder. The intentional concealment thereof which continues beyond the checkpoint of the library is evidence to deprive the library permanently of possession of such materials and property. The discovery thereof upon the person or among the belongings of such person or of another is evidence of intentional concealment.

(c) A library staff member who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a police officer, or to his parent or guardian in the case of a minor. The detained person must promptly be informed of the purpose of his detention and shall be permitted to make telephone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Library staff members complying with this section shall be entitled to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

(3) REMOVAL OF CHARGE CARD POCKET PROHIBITED. No person shall remove the charge card pocket or charge card affixed to the inside cover of a library book.

(4) MUTILATION OF LIBRARY MATERIALS PROHIBITED. No person shall mutilate or damage a library book or library materials by tearing or cutting out pages, portions or excerpts, or in any other manner, but shall return the book or material in the same condition it was received.

(5) LIBRARY BOOK FINE TO BE PAID. No person shall fail to pay, on demand, any library book fine.

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**9.23 ACCIDENTAL SPILLS OF HAZARDOUS OR DETRIMENTAL SUBSTANCES.** (1) **HAZARDOUS SUBSTANCE SPILLS.** (a) DNR Notification Required. Any person who possesses or controls a "hazardous substance," as defined in §144.01(4m), Wis. Stats., which has been discharged or spilled, or who causes the discharge or spilling of such hazardous substance, shall immediately notify the Wisconsin Department of Natural Resources of any such spill or discharge as required in §144.76, Wis. Stats.

(b) City Notification. In addition to the notification required in par. (a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.

(2) **DETRIMENTAL SUBSTANCE SPILLS; NOTIFICATION.** Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a "hazardous substance," may be detrimental to the general, safety and welfare of City residents shall immediately notify the Fire Chief. Such detrimental substances may include, without limitations, food products and nitrates.

(3) **CLEANUP REQUIRED.** Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a time reasonable under the circumstances. In the event such cleanup is not completed within a reasonable time, the City shall clean up and bill the person responsible.

(4) **PENALTY.** Any person responsible for a spill or discharge who does not provide the notification required under subs. (1)(b) and (2) above shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

**9.24 DISCHARGE OF WASTE PROHIBITED.** It shall be unlawful for any person to spread, discharge, disburse, release or permit to escape, or allow to be spread, discharged, disbursed or released septic tank waste, holding tank waste, waste water, irritants, contaminants or pollutants within the City limits.

**9.25 PARK REGULATIONS.** (1) **DEFINITION.** The term "park" is defined to mean a park, playground, recreation field, building, swimming pool and other areas which are under the jurisdiction and supervision of the Industrial and Community Development Committee. This section is intended to regulate the use of all existing and future City owned or operated parks and recreation facilities.

(2) **GENERAL RULES.** (a) Night Usage. No cars, campers or persons shall be in the park between the hours of 11:00 P.M. and 5:00 A.M. except for those involving prescheduled activities which shall have been approved by the Parks and Recreation Director.

(b) Defacing Park Property Prohibited. No person shall cut, break or in any way injure or deface any building, fence, lamp, equipment or facility of any feature or property, including natural objects, within any park.

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(c) Plants. The picking or other destruction of growing plants or trees within the City parks is prohibited.

(d) Pets. All pets shall be restrained by a leash and no person shall permit his pet to disrupt the enjoyment or use of the park by others.

(e) Littering. No person shall throw, deposit, place or leave in any park any paper, rubbish, waste cans, bottles or refuse of any kind except in receptacles therein provided for waste.

(f) Activities. The use of the athletic grounds by organized teams shall be subject to the approval and scheduling of the Parks and Recreation Director. Groups wishing to reserve the shelter house shall schedule the use with the Parks and Recreation Director.

(g) Moving of Benches and Tables. No person shall move benches, seats and tables from the park boundaries.

(h) Disorderly Conduct. No person shall engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance, including producing or permitting to be produced loud noises, from radios, tape recorders and phonographs when such noise disturbs the use of the park by other persons.

(i) Intoxicating Liquor. No person shall take, use or have in the parks any intoxicating liquor, as defined in §176.01(2), Wis. Stats.

(j) Vehicles on the Grass. No person shall drive any motor driven vehicle in the parks except in designated roadways and parking areas.

(k) Traffic Rules. No vehicle shall be driven at more than 5 miles per hour on any park road. The driver of any vehicle shall bring such vehicle to a complete stop at all stop signs. On one-way drives, a vehicle shall be driven only in the direction indicated. A vehicle shall enter and exit only in the exits and entrances indicated.

(l) Fires. It shall be unlawful for any person to start, tend or maintain any fire or to burn any refuse except at designated fireplaces or personal grills. It shall be unlawful for any person to leave any fire unattended.

(m) Horses. It shall be unlawful for any person to lead or ride a horse in a City park except as designated by the Jackson County Fair Association within their jurisdiction.

(n) Weapons. It shall be unlawful for any person to have in his possession or under his control any firearm or air gun, as defined in §939.22, Wis. Stats., unless the same is unloaded and enclosed in a carrying case, or any bow unless it is unstrung or enclosed in a carrying case.

(3) PENALTY. Any person who shall violate any provision of this chapter shall be subject to a



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penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of sec. 9.01 (9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any un-emancipated minor child who violates sec. 9.943.01(1) may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.35, Wis. Stats.

**9.26 BOATING REGULATIONS.** (1) **APPLICABILITY AND ENFORCEMENT,** (a) The provisions of this section shall apply to the waters of the Black River located within the City.

(b) This section shall be enforced by the Police Department.

(2) **INTENT.** The intent of this section is to provide a safe environment for the enjoyment of aquatic recreation consistent with public rights and interests and the capability of the water resources.

(3) **STATE BOATING AND SAFETY LAWS ADOPTED.** Wisconsin boating laws, pursuant to §§30.50 to 30.71, Wis. Stats., are adopted by reference.

(4) **DEFINITION.** "Slow-no-wake" means that speed at which a boat moves as slowly as possible while still maintaining steering control.

(5) **POSTING REQUIREMENTS.** The City shall place and maintain a copy of this section at all public access points within the jurisdiction of the City.

(6) **BOATING AND SWIMMING RESTRICTIONS.** (a) No person shall swim or place or cause to be placed or operate any boat or other watercraft between the buoy line described in par. (b) below and the Black River Falls Dam, FERC Project No. 3052.

(b) Buoys shall be placed in compliance with DNR regulations as follows:

Commencing at an eye bolt anchor on the east shore of the Black River about 205 feet north of the Black River Falls dam, FERC Project No. 3052; thence northwest across the Black River about 165 feet to the east side of the abandoned railroad pier; thence from the west side of said pier continuing in a westerly direction about 475 feet to an eye bolt anchor on the west bank retaining wall of the Black River about 131 feet northeast of the west end of the spillway section of the dam and there terminating.

(c) No person shall, without authority, remove, damage, destroy or move, or attach any watercraft to any buoy, beacon or marker placed in the waters of the Black River by authority of the United States, the State, the County or the City, or by any private person pursuant to the provisions of this subsection.

**9.27 BULKHEAD LINE CREATED.** The bulkhead line of that part of the west shore of the Black River is hereby established as follows:

A line located in a part of Fractional Lot Four, Section Fifteen, Township Twenty-one

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North, Range Four West, being a part of the reservation in the Knapp and Williamson's Plat of Black River Falls, Wisconsin lying south of Main street and east of Water Street and arrived at by extending the north line of Block fifteen of said Plat, south 89°18'10" east 140.00 feet from the northeast corner thereof and thence south 76°21'08" east 55.63 feet to the place of beginning. The bulkhead line to run from said point of beginning south 11°37'39" west 140.07 feet and there terminating.

**9.28 SKATE PARK REGULATION.** (1) DEFINITIONS. For purposes of this chapter, certain terms and words are defined as follows:

- (a) Activities area: That portion of a skate park reserved for the use of skateboards, in-line skates, or roller skates;
- (b) Audio equipment: Any radio, compact disc player, tape player, walkman, megaphone, or any other audio device utilized to transmit or amplify sound;
- (c) Bicycle: Any two or three wheeled bicycles, including BMX bicycles;
- (d) Director: The Director of Parks and Recreation, or his or her designees, agents or representatives.
- (e) Protective gear: Includes helmets, elbow pads, and kneepads;
- (f) Skate park or skate board park: Any property or facility owned, operated, maintained, provided or controlled by the City, or any city-controlled property or facility leased or subleased to private entities for use solely for skate boarding and skating purposes;
- (g) Spectator area: That portion of the skate park reserved for use by persons viewing the activities area;
- (h) Sports equipment: Any equipment utilized for "athletic and/or recreational purposes, including but not limited to bicycles, mopeds, motorized cycles, skateboards, in-line skates, roller skates, shoe skates, scooters (both motorized and manually propelled), luge skates, ramps, jumps and similar objects utilized for athletic stunts or tricks, footballs, baseballs, basketballs, soccer balls, and frisbees.

(2) HOURS OF OPERATION. The hours of operation for the skate park shall be from 8:00 a.m. to official sunset daily, with the exception of posted hours for maintenance. The Director may shorten or extend the skate park hours when necessary to accommodate or regulate any permitted activity.

(3) USE REGULATIONS – PROHIBITED ACTIVITIES.

- (a) No sport equipment of any nature shall be used in the spectator area of the skate park.

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(b) Only skateboards, in-line skates, and roller skates are permitted in the activities area of the skate park. The use of other sports equipment, including bicycles and motor-driven sports equipment, is expressly prohibited anywhere within the activities area.

(c) Pursuant to the provisions of this chapter, Helmets that meet either the American Society for Testing and Materials (ASTM) or the United States Consumer Safety Commission (CPSC), elbow pads, knee pads are recommended for use by all persons using the skate park. All protective gear and equipment shall be in good repair at all times during use.

(d) Nor portion of the skate park shall be modified, altered, or added to in any manner without the permission of the Director.

(e) No person under the age of eight (8) years old shall be permitted to utilize the activities area of the skate park unless accompanied by an adult.

(f) No audio equipment or amplified sound equipment may be used or brought within the activities area of the skate park, absent written approval from the Director. Audio equipment that is equipped and relies solely on earphones for sound amplification may be used or played in the spectator area of the skate park.

(g) No glass bottles or any other breakable glass items, food or beverages shall be permitted within the activities area or spectator area of the skate park.

(h) No drugs, alcohol, smoking or tobacco products shall be permitted or consumed in any portion of the skate park.

(i) No knives, guns, air guns or weapons of any nature shall be permitted in any portion of the skate park.

(j) No use of the skate park or its amenities may be used when their surfaces are wet or other conditions exist that would adversely affect the safety of skateboarders or skaters.

(k) No person shall enter or use the skate park during hours of non-operation.

(l) The Director shall post visible signs at each skate park, providing rules for use of the skate park consistent with the ordinance codifies in this chapter. The Director is also authorized to post additional rules as necessary for operation of the skate park, the violation of which shall be punishable pursuant to Section 9.28.

(m) Any person who fails or refused to comply with the provisions of this section and who is injured while using the skate park shall be deemed negligent.

(4) VIOLATION AS INFRACTIONS. Any violation of this chapter is punishable as an

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infraction. Violation of this chapter is punishable by (a) a fine of not more than twenty five-dollars (\$25.00) for the first violation, (b) a fine of not more than fifty dollars (\$50.00) for a second violation within a period of one-year, and (c) a fine of not more than one hundred dollars (\$100.00), for a third and subsequent violations.

In addition to the forfeitures stated above, any person cited for three or more violations of this chapter during a one-year period may, at the Director's discretion, be barred, from the use of, or entrance into, a city skate park facility, for a period of time to be determined by the Director. In addition to other law enforcement officials specified in the code, citations for violations may be issued by the Director of Parks and Recreation or his or her designees, agents or representatives.

### **9.29 CAMPING ON CITY PROPERTY.**

(1) DEFINITIONS. In this chapter, the following terms shall mean:

- a. "To Camp" or "Camping" means to set up or to remain in or at a campsite.
- b. "Campsite" means any place where any bedding, sleeping bag, or other sleeping matter is placed, established, maintained, whether or not such place incorporates the use of any tent, lean-to, shack, or any other structure, or any vehicle or part thereof.
- c. "City Property" means any property which is owned or leased by the City of Black River Falls, including property in which the City of Black River Falls is a land contract vendee, and all municipal easements.

(2) CAMPING ON CITY PROPERTY.

- a. It is unlawful for any person to camp in or upon any city property, except pursuant to Section 9.29(2)(b), or by declaration by the Common Council or the Mayor in emergency or other special circumstances. This shall not be deemed to prohibit camping at designated campsites.
- b. Parks – Camping. No person shall establish or maintain any temporary or permanent camp or other lodging place in any park except by prior permission of the Common Council, City Administrator, Parks & Recreation Director, Chief of Police, or designee of that person or via special event permit.

(3) PENALTY. Any person who shall violate any provision of this chapter shall incur a penalty as provided in Section 9.31.

**9.30 UNIFORM CITATION METHOD ADOPTED.** (1) CREATION. Pursuant to §66.0113, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

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(2) CITATION. The citation shall contain the following:

(a) The name and address of the alleged violator.

(b) Factual allegations describing the alleged violation.

(c) The time and place of the offense.

(d) The section of the ordinance or the municipal code violated.

(e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.

(f) The time at which the alleged violator may appear in court.

(g) A statement which, in essence, informs the alleged violator, as follows:

1. A cash deposit of a specified amount may be made which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.

2. If such a deposit is made, the alleged violator need not appear in court unless he is subsequently summoned.

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and appropriate statutory penalty assessment and costs not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, a summons shall be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the appropriate statutory penalty assessments and costs.

(h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.

(i) Such other information as the Council deems necessary.

(3) DEPOSITS.

(a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in sec. 25.04 of this Code, which consists of the appropriate forfeiture and appropriate statutory penalty assessments and costs.

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(b) Deposits shall be made in cash, money order or check to the County Clerk of Courts, who shall provide a receipt therefore.

(c) The statutory penalty assessments and costs shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State Law controls or for ordinances involving non-moving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

(d) The deposit, including costs, pertaining to any minor receiving a citation, under this section shall in no event exceed the maximum penalties provided in Chap. 48, Wis. Stats., plus the statutory penalty assessment and costs, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

(4) DEPOSIT SCHEDULE. Every Police Officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City Bond Schedule and the Wisconsin Judicial Council Bond Schedule which are hereby adopted by reference.

(5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section.

### (6) NONEXCLUSIVITY

(a) Other Ordinances. Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

(b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

**9.31. PENALTY.** Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of sec. 9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any un-emancipated minor child who violates sec. 9.943.01(1) or sec. 9.19 of this chapter may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.