

TITLE 11

Offenses and Nuisances

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CHAPTER 1

State Statutes Adopted

11-1-1	Offenses Against State Laws Subject to Forfeiture
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SEC. 11-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes 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 the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code:

<u>Ordinance</u>	<u>State Statute</u>	<u>Offense</u>
1)	29.601	Throwing Refuse in Waters
2)	48.983	Use of Tobacco Products
3)	50.58	Careless Smoking
4)	118.07	Safety Requirements
5)	118.08	School Zones; Crossings
6)	118.09	Safety Zones
7)	118.10	School Safety Patrols
8)	118.105	Control of Traffic on School Premises
9)	118.11	School Fences
10)	118.123	Reports and Records
11)	118.163	Truancy
12)	134.65	Cigarette and Tobacco Products Retailer License
13)	134.66	Restrictions on Sale or Gift of Cigarettes or Tobacco Products
14)	167.10	Fireworks Regulated
15)	175.25	Illegal Storage of Junked Vehicles
16)	939.05	Aiding and Abetting
17)	939.22	Words and Phrases Defined
18)	940.19(1)	Battery

- 19) 940.291 Failure of a Police Officer to Render Aid
- 20) 941.01 Negligent Operation of a Vehicle
- 21) 941.10 Negligent Handling of Burning Materials
- 22) 941.12(2),(3) Interfering With or Failing to Assist in Firefighting
- 23) 941.13 False Alarms and Interference with Firefighting
- 24) 941.20(1) Reckless Use of Weapon
- 25) 941.23 Carrying Concealed Weapon
- 26) 941.235 Carrying a Firearm in a Public Building
- 27) 941.24 Possession of Switchblade Knife
- 28) 941.35 Emergency Telephone Calls
- 29) 941.36 Fraudulent Tapping of Electric Wires, Gas, Water Meters or Pipes
- 30) 941.37(1),(2) Obstructing Emergency or Rescue Personnel
- 31) 942.05 Opening Letters
- 32) 943.01(1) Criminal Damage to Property
- 32a) 943.017(1) Graffiti
- 33) 943.11 Entry Into Locked Vehicle
- 34) 943.125 Entry Into Locked Coin Box
- 35) 943.13 Trespass to Land
- 36) 943.14 Trespass to Dwellings
- 37) 943.145 Criminal Trespass to a Medical Facility
- 38) 943.15 Entry Into Locked Site
- 39) 943.20 Theft
- 40) 943.20(1)(e) Theft of Rental Property
- 41) 943.21 Fraud on Hotel or Restaurant Keeper, Recreational Attractions, Taxicab Operators or Gas Station
- 42) 943.22 Cheating Tokens
- 43) 943.23(4),(5) Operating Vehicle Without Owner's Consent
- 44) 943.34(1)(a) Receiving Stolen Property
- 45) 943.37 Alteration of Property Identification Marks
- 46) 943.38(3) Forgery
- 47) 943.41 Financial Transaction Card Crimes
- 48) 943.46 Theft of Television Services
- 49) 943.50(4)(a) Retail Theft
- 50) 943.55 Removal of a Shopping Cart
- 51) 944.15 Public Fornication
- 52) 944.17 Sexual Gratification
- 53) 944.20 Lewd and Lascivious Behavior
- 54) 944.21 Obscene Material or Performance
- 55) 944.23 Making Lewd, Obscene or Indecent Drawings
- 56) 944.30 Prostitution
- 57) 944.31 Patronizing Prostitutes
- 58) 944.33 Pandering
- 59) 944.36 Solicitation of Drinks Prohibited
- 60) 945.01 Definitions Relating to Gambling
- 61) 945.02 Gambling

- 62) 945.035 Certain Slot Machines on Licensed Premises
- 63) 945.04 Permitting Premises to be Used for Commercial Gambling
- 64) 946.40 Refusing to Aid Officer
- 65) 946.41 Resisting or Obstructing Officer
- 66) 946.42(2) Escape
- 67) 946.46 Encouraging Violation of Probation or Parole
- 68) 946.69 Falsely Assuming to Act as Public Officer or Employee
- 69) 946.70 Impersonating Peace Officer
- 70) 946.72(2) Tampering with Public Records and Notices
- 71) 947.01 Disorderly Conduct
- 72) 947.012 Unlawful Use of Telephone
- 73) 947.0125 Unlawful Use of Computerized Communication Systems
- 74) 947.013 Harassment
- 75) 947.047 Littering Shores
- 76) 947.06 Unlawful Assemblies
- 77) 948.01 Definitions Relating to Crimes Against Children
- 78) 948.055 Causing a Child to View or Listen to Sexual Activity
- 79) 948.075 Use of a Computer to Facilitate a Child Sex Crime
- 80) 948.09 Sexual Intercourse with a Child Age 16 or Older
- 81) 948.10 Exposing a Sex Organ
- 82) 948.11(1)(b) Exposing a Child to Harmful Material
- 83) 948.21 Neglecting a Child
- 84) 948.40 Contributing to the Delinquency of a Child
- 85) 948.50 Strip Search by School Employee
- 86) 948.51(3)(a) Hazing
- 87) 948.60 Possession of a Dangerous Weapon by a Child
- 88) 948.605 Gun Free School Zones
- 89) 948.61(2)(a) Dangerous Weapons on School Premises
- 90) 948.63 Receiving Property From a Child
- 91) 951.01 Definitions Relating to Crimes Against Animals
- 92) 951.015 Construction and Application
- 93) 951.02 Mistreating Animals
- 94) 951.03 Dognapping or Catnapping
- 95) 951.04 Leading Animal from Motor Vehicle
- 96) 951.05 Transportation of Animals
- 97) 951.06 Use of Poisonous and Controlled Substances
- 98) 951.07 Use of Certain Devices Prohibited
- 99) 951.08 Instigating Fights Between Animals
- 100) 951.09 Shooting at Caged or Staked Animals
- 101) 951.10 Sale of Baby Rabbits, Chicks and Other Fowl
- 102) 951.11 Artificially Colored Animals; Sale
- 103) 951.13 Providing Proper Food and Drink to Confined Animals
- 104) 951.14 Providing Proper Shelter
- 105) 951.15 Animals; Neglected or Abandoned; Police Powers

SEC. 11-1-2 RESTITUTION.

Sec. 800.093, Wis. Stats., providing for restitution to victims of crimes is adopted by reference to define the procedure for such action. Any future amendments, revisions or modifications of the Statute incorporated herein by reference are intended to be made part of this Code of Ordinances.

CHAPTER 2

Offenses Against Public Safety and Peace

- 11-2-1 Regulation of Firearms, Explosives and Other Missiles
- 11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
- 11-2-3 Safe Use and Transportation of Firearms and Bows
- 11-2-4 Sale and Discharge of Fireworks Restricted
- 11-2-5 Obstructing Streets and Sidewalks Prohibited
- 11-2-6 Loitering Prohibited
- 11-2-7 Loud and Unnecessary Noise Prohibited
- 11-2-8 Disorderly Conduct
- 11-2-9 Unauthorized Presence on School Property
- 11-2-10 Truancy
- 11-2-11 Failure to Obey Lawful Order
- 11-2-12 Possession of Controlled Substances
- 11-2-13 Regulation of Possession of Harmful Glues
- 11-2-14 Regulation of Drug Paraphernalia
- 11-2-15 Unlawful Sale and Possession of Butane Lighters
- 11-2-16 Unauthorized Possession of Weapons on School Bus
- 11-2-17 Regulation of Sexual Offenders

SEC. 11-2-1 REGULATION OF FIREARMS, EXPLOSIVES, AND OTHER MISSILES.

- (a) **DISCHARGE OF FIREARMS REGULATED.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge any firearm, rifle, spring gun, wrist rocket, air gun, blow gun, paint ball gun or pneumatic pellet gun of any description in his possession within the City of Park Falls. No person, except for a police officer or other law enforcement officer shall transport, or possess in the City any firearm, rifle, spring gun, wrist rocket, air gun, blow gun, paint ball gun or pneumatic pellet gun of any description unless it is unloaded or knocked down and enclosed within a carrying case or other suitable container. This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries or paint ball ranges authorized by the Common Council, or the firing or discharging of BB guns upon private premises by persons over sixteen (16) or under the direct personal supervision of a parent, guardian or adult. This Section shall be deemed to prohibit hunting within the City, provided that the Chief of Police may issue a permit to shoot on such premises if he finds such privileges necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the City.
- (b) **THE CITY FIRING RANGE.** The Police Department firing range is for Department use only, unless authorized by the Chief of Police.
- (c) **SHOOTING INTO CITY LIMITS.** No person shall in the territory adjacent to the City discharge any firearm in such manner that the discharge shall enter or fall within the City.
- (d) **SHOOTING RANGES.** This Section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges or shooting galleries approved by the Common Council, upon the recommendation of the Chief of Police, where proper safety precautions are taken.

- (e) Explosive Devices. No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the City without first obtaining a permit to do so from the Common Council.
- (f) Throwing or Shooting of Arrows, Stones or Other Missiles Prohibited.
 - (1) 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 other person or at, in, or into any building, street, sidewalk, alleys, highway, park, playground, or other public place within the City of Park Falls.
 - (2) No person shall hunt with a bow and arrow or crossbow within one hundred (100) yards of a building located on another person's land; however, this restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within one hundred (100) yards of the building.
 - (3) No person shall discharge an arrow or bolt from a bow or a crossbow unless the arrow or bolt is discharged towards the ground.
 - (4) No person may hunt wild game in any city park or on any City owned property by any means including, but not limited to, the use of a firearm, crossbow or bow and arrow. This section does not prohibit law enforcement officers from dispatching nuisance wild animals.
- (g) Definitions. For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring or other similar mechanical device, or gun powder.

SEC. 11-2-2 CARRYING CONCEALED WEAPONS PROHIBITED; CERTAIN WEAPONS PROHIBITED.

- (a) Concealed Weapons in Public Establishments.
 - (1) No person shall carry or have in his possession a dangerous weapon in any public building or business establishment open to the public except a bona fide weapons repair, display, or sales establishment, unless such dangerous weapon is so stored and concealed (other than on the person) so as not to be readily accessible to any person or patron. This Subsection shall not apply to law enforcement officers acting within the scope of their duties or others duly authorized by and in accordance to law. This Subsection shall not be construed to prohibit the sale, purchase, repair or trade of firearms by a retail business establishment doing so in the course of its regular business in accord with state and federal law, nor to hinder a prospective customer from attempting to buy, sell, or trade firearms to or from a retailer.
- (b) Possession, Sale, and Manufacture of Certain Weapons Prohibited.
 - (1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon within the City of Park Falls.
 - (2) For the purpose of this Section, the following definitions shall apply:
 - a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
 - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
 - c. "Sucbai." A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
 - (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

(d) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**

- (1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon within the City of Park Falls.
- (2) For the purpose of this Section, the following definitions shall apply:
 - a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
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 - c. "Sucbai." A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.
Offenses Against Public Safety and Peace

SEC. 11-2-3 SAFE USE AND TRANSPORTATION OF FIREARMS AND BOWS.

(a) **Definitions.** In this Section:

- (1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.
- (2) Encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
- (3) Firearm means a weapon that acts by force of gunpowder.
- (4) Highway has the meaning given under Sec. 340.01(22), Wis. Stats.
- (5) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
- (6) Roadway has the meaning given under Sec. 340.01(54), Wis. Stats.
- (7) Unloaded means any of the following:
 - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
 - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
 - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
- (8) Vehicle has the meaning given under Sec. 340.01(74), Wis. Stats., and includes a snowmobile, as defined under Sec. 340.01(58a), Wis. Stats.

(b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**

- (1) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless the firearm is unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.
- (2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless the firearm is

unloaded or unless the bow or crossbow is unstrung or is enclosed in a carrying case.

- (3) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.
 - (4) Except as provided in Subsection (c), no person may load or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a road.
 - (5) A person who violates Subsections (1) through (4) above is subject to a forfeiture pursuant to Section 1-1-7.
- (c) **Exceptions.**
- (1) Subsection (b) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:
 - a. A peace officer, as defined under Sec. 939.22(22), Wis. Stats.
 - b. A member of the U.S. armed forces.
 - c. A member of the National Guard.
 - (2) Subsections (b)(1), (2) and (3) do not apply to the holder of a scientific collector permit under Sec. 29.17, Wis. Stats., who is using a net gun or tranquilizer gun in an activity related to the purpose for which the permit was issued.
 - (3) Subsections (b)(2) and (3) do not apply to the holder of a permit under Sec. 29.09, Wis. Stats., who is hunting from a standing automobile in accordance with that Subsection.

SEC. 11-2-4 SALE AND DISCHARGE OF FIREWORKS RESTRICTED.

No person shall sell, expose or offer for sale, use, keep, possess, discharge or explode any fireworks except toy pistol paper caps, sparklers and toy snakes within the limits of the City unless he shall be authorized by a fireworks permit as provided in Title 7, Chapter 6, of this Code of Ordinances. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(1), Wis. Stats., and shall be deemed to include all fireworks, rockets or similar missiles containing explosive fuel.

SEC. 11-2-5 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED.

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such a manner as to:
- (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
 - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or

- (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
 - (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Park Falls.
 - (3) Obstruct. To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
 - (4) Sidewalk. Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

SEC. 11-2-6 LOITERING PROHIBITED.

- (a) **Public Property Loitering Prohibited.**
 - (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.
 - (2) 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.
- (b) **Private Property Loitering Prohibited.**
 - (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.
 - (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (c) **Loitering or Prowling Prohibited.** 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 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.

(d) **Loitering by Underage Persons Where Alcohol Beverage is Dispensed.**

(1) Underage Persons and Intoxicants. No underage person shall enter, remain or loiter in any public or private place where any fermented malt beverage or other alcohol beverage is sold, dispensed, given away or made available, unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(2) Permitting Loitering Prohibited. No person of legal drinking age shall permit any underage person to enter, remain or loiter in any premises, public or private, where fermented malt beverages or other alcohol beverages are served, sold, dispensed, given away or made available, unless such underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.

(e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.

(2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Park Falls.

SEC. 11-2-7 LOUD AND UNNECESSARY NOISE PROHIBITED.

(a) **Loud and Unnecessary Noise Prohibited.** It shall be unlawful for any person to make, continue or cause to be made or continued any loud and unnecessary noise.

(b) **Types of Loud and Unnecessary Noises.** The following acts are declared to be loud, disturbing and unnecessary noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

(1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other vehicle on any street or public place in the City for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any

horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (4) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
- (5) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Chief of Police shall have the authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.
- (6) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (7) The provisions of this Section shall not apply to:
 - a. Any vehicle of the City while engaged in necessary public business.
 - b. Excavations or repairs of streets or other public construction by or on behalf of the City, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
 - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in nature.

(c) **Permits for Amplifying Devices.**

- (1) Permit Required. The use of loudspeakers or amplifying devices on the streets or in the parks of the City of Park Falls is prohibited unless the party desiring to use such loudspeaker or amplifying device first obtains a permit from the Chief of Police.

- (2) Grounds or Reasons for Denial or Allowance. The Chief of said Police Department shall have the authority to revoke such permit when he believes such loudspeaker or amplifying device is becoming a nuisance because of the volume, the method in which it is being used or the location in which it is being operated.

SEC. 11-2-8 DISORDERLY CONDUCT.

- (a) **Disorderly Conduct Prohibited.** No person within the City of Park Falls shall:
- (1) In any public or private place engage in violent, noisy, riotous, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to annoy or disturb any other person.
 - (2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation.
- (b) **Defecating or Urinating in Public Places.** It shall be unlawful for any person to defecate or urinate outside of designed sanitary facilities, upon any sidewalk, street, alley, public parking lot, park, playground, cemetery or other public area within the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators of public or commercial buildings, or to indecently expose his person.

SEC. 11-2-9 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY.

- (a) **Unauthorized Presence.**
- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the City or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
 - (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a)(1), shall be guilty of trespass.
 - (3) "Authorized person" shall include:
 - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
 - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
 - c. Any person utilizing a designated area for attending an athletic or other organized school event.

- (b) **Disorderly Conduct on Public School Property.**
- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
 - (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.
 - (3) All entrances to the school buildings referred to in Subsection (a) shall be posted with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
 - (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a City summons that regulates parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.
- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the City of Park Falls or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
- (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
 - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Park Falls.

SEC. 11-2-10 TRUANCY.

- (a) **Contributing to Truancy.**
- (1) Except as provided in Subsection (a)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or

contributes to the truancy, as defined in Subsection (a)(4), of a child shall be subject to a forfeiture pursuant to Section 1-1-7.

- (2) Subsection (1) above does not apply to a person who has under his or her control a child who has been sanctioned under Sec. 49.50(7)(h), Wis. Stats.
- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be a truant.
- (4) "Truancy" means any absence of part or all of one (1) or more days from school during which the school attendance officer, principal or teacher has not been notified of the legal cause of such absence by the parent or guardian of the absent pupil, and also means intermittent attendance carried on for the purpose of defeating the intent of Sec. 118.15, Wis. Stats.

(b) **Parent or Guardian Liability for Truancy.**

- (1) Unless the child is excepted or excused under Sec. 118.15, Wis. Stats., or has graduated from high school, any person having under control a child who is between the ages of six (6) and eighteen (18) years shall cause the child to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes eighteen (18) years of age.
- (2) a. A person found to have violated Subsection (b)(1) above, after evidence is provided by a school official that the activities under Sec. 118.16(5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-7.
b. Subsection (b)(2)a above does not apply to a person who has under his or her control a child who has been sanctioned under Sec. 49.50(7)(h), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (b)(1) because of the disobedience of the child.

SEC. 11-2-11 FAILURE TO OBEY LAWFUL ORDER.

It shall be unlawful for any person to fail to obey the direction or order of a police officer while such police officer is acting in an official capacity in carrying out his or her duties.

SEC. 11-2-12 POSSESSION OF CONTROLLED SUBSTANCES.

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.

Possession of Marijuana. No person shall possess any amount of marijuana, tetrahydrocannabinol or any derivative thereof, unless the substance was obtained directly

from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.

State Law Reference: Chapter 161, Wis. Stats.

SEC. 11-2-13 REGULATION OF POSSESSION OF HARMFUL GLUES.

No person under the age of eighteen (18) years shall have in their possession any glue containing toluol, toluene, benzene, acetone, or methyl ethyl ketone or any similar hydrocarbon capable of producing intoxication when inhaled, with the intent to inhale the vapors of said glue to induce a state of intoxication or euphoria.

SEC. 11-2-14 REGULATION OF DRUG PARAPHERNALIA.

- (a) INTENT. The Common Council of the City of Park Falls recognizes that the illegal use of drugs in the City poses a substantial risk of harm to the continued safety, welfare, health, and future of its citizens. The Common Council of the City of Park Falls is further aware that some illegal drugs require the use of items or paraphernalia in their consumption. However, the Common Council is concerned that in the case of Kabat v. State, 76 Wis. 2d 224, 251 N.W.2d 38 (1976), where the Wisconsin Court of Appeals held that the mere existence of residue of marijuana in a pipe used for smoking marijuana is not sufficient to impute knowledge to the alleged offender, will deter effective law enforcement in combating the distribution and sale of drugs.
- (b) PRICE COUNTY DRUG PARAPHERNALIA ORDINANCES ADOPTED. The provisions set forth in Price County Ordinance No. 87-2 prohibiting the possession of an item designed for use with illegal drugs, which has in fact been so used and defining said prohibition, as effective on or after September 1, 1987, or subsequently amended, is hereby adopted and reference thereto made a part of the Park Falls Code of Ordinances. Any future amendments, revisions, or modifications of Price County Ordinance No. 87-2 are intended to be made a part of this Code of Ordinances in order to secure uniform regulation and enforcement of laws pertaining to drug paraphernalia.

SEC. 11-2-15 UNLAWFUL SALE AND POSSESSION OF BUTANE LIGHTERS.

- (a) UNLAWFUL SALE OF BUTANE LIGHTERS. It is unlawful to sell a cigarette lighter, butane lighter or similar item to a person under the age of eighteen (18) years within the City.
- (b) UNLAWFUL POSSESSION OF BUTANE LIGHTERS. It is unlawful for a person under the age of eighteen (18) years to possess or have in their possession a cigarette lighter, butane lighter or similar item within the City.

SEC. 11-2-16 UNAUTHORIZED POSSESSION OF WEAPONS ON SCHOOL PROPERTY.

- (a) No person except for police officers or other law enforcement officer shall possess within the City, on the property of public or private schools, day care facilities or preschools, any firearm, rifle, spring gun, wrist rocket, air gun, blow gun, paint ball gun, knife, bow and arrow or pneumatic pellet gun of any description. This section does not apply to individuals that are granted authority by principals or heads of schools to bring said weapon to school as a class project or hunter safety training. If permission is granted to bring said weapon to school, ammunition shall not accompany the weapon and in the case of bow and arrows, the arrows shall not have any field or hunting point attached to the arrow.

SEC. 11-2-17 REGULATION OF SEXUAL OFFENDERS

(a) DECLARATION OF PURPOSE. This ordinance is a regulatory measure aimed at protecting the health and safety of children in the City of Park Falls from the risk that convicted sex offenders may re-offend in locations close to their residences and close to where children congregate. Further, this measure is intended to enhance the community's citizen observation and reporting of individuals who may pose a threat to children by "grooming behaviors." The City of Park Falls finds and declares that in addition to schools and state licensed child day care centers, children congregate or play in a number of public places, including public parks, athletic fields, libraries, and other places.

(b) DEFINITIONS. The following words, terms, and phrases, when used in this Ordinance, shall be defined as follows, except when the context clearly indicates a different meaning:

(1) "Sexually violent offense" means an offense defined as a "sexually violent offense" by Wis. Stat. § 980.01(6).

(2) "Restricted Zone" means the building, facilities and improvements, and the legal parcel of real property on which they are situated, to the extent the property is within the City of Park Falls, that are used for or which support a use set forth as follows:

- a. A public park, parkway, parkland, park facility;
- b. A public swimming pool;
- c. A public skateboard park;
- d. A public library;
- e. A recreational trail;
- f. A public playground;
- g. A school for children;
- h. Athletic fields used by children;
- i. A state-licensed, commercial day care center;
- j. Any specialized school for children, including, but not limited to, a gymnastics academy, dance academy, music school or charter school.
- k. Aquatic facilities open to the public; and
- l. Any facility for children (which means a public or private school, a group home as defined in Wis. Stat. §48.02(7), a residential care center for children and youth as defined in Wis. Stat. §48.02(15d), a shelter care facility as defined in Wis. Stat. §48.02(17), a foster home as defined in Wis. Stat. §48.02(6), a treatment foster home as defined in Wis. Stat. 48.02(17q), a day care center licensed under Wis. Stat.

§48.65, a day care program established under Wis. Stat. §120.13(14), a day care provider certified under Wis. Stat. §48.651, or a youth center as defined in Wis. Stat. §96.01(22)).

(3) "Grooming behavior" means actions deliberately undertaken by an offender with the aim of befriending a child in order to lower the child's sexual inhibitions or establish an intimate friendship in preparation for a sexual act with the child.

(4) "Loiter-free zone" means the 300 foot radius surrounding each restricted zone.

(5) "Loiter" or "Loitering" means, whether in a group, crowd, or as an individual, to stand idly about, loaf, prowl, congregate, wander, stand, linger aimlessly, proceed slowly or with many stops, to delay or dawdle.

(6) The term "designated offender" means:

- a. a person required to register as a sex offender under Wis. Stat. § 301.45, if the sex offense which required registration involved a child; or
- b. a person who has been convicted of, or has been found delinquent of, or has been found not guilty by reason of disease or mental defect of a sexually violent offense.

(7) "Residence" or "Reside" means any place where a designated offender, either temporarily or permanently, sleeps, lodges, or abides.

(8) "Child" or "Children" means a person under the age of 18.

(9) "Wisconsin Statutes" and "Wis. Stat." means the Wisconsin Statutes in effect when this Ordinance is adopted and shall include any amendment to or renumbering of the statutes after the adoption of this Ordinance.

(c) PROHIBITED LOCATION AND/OR ACTS.

(1) Within a restricted zone(s) no designated offender shall:

- a. Enter or be present in any restricted zone that is a public playground, school for children or a daycare center;
- b. Enter or be present in any other restricted zone between the hours of 7:00 a.m. and 11:00 p.m., or at any time when a child is present;

- c. Loiter within a Loiter-free zone;
- d. Participate in a holiday event involving children, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or proceeding Christmas or wearing an Easter Bunny costume on or proceeding Easter unless the designated offender is the parent or guardian of the children involved, and no non-familial children are present.

(2) A designated offender does not violate this Ordinance if any of the following apply:

- a. If the designated offender has official business in the restricted zone, which is determined by the reasonable person standard.
- b. If the designated offender enters or is present in a restricted zone that includes a church, synagogue, mosque, temple or other house of religious worship (collectively "church"), but only if the following conditions are all satisfied:
 - 1. That the entrance and presence upon the property occurs only during hours of worship or other religious program/service as posted to the public.
 - 2. The designated offender shall not participate in any religious education programs which include children.
- c. If the designated offender enters or is present in a restricted zone to attend an event involving the designated offender's natural or adopted child/ren, or step-child/ren but only if the following condition is satisfied:
 - 1. Entrance and presence on the restricted zone occurs only during hours of activity related to the event as posted to the public.
- d. If the designated offender enters or is present at a polling location in a restricted zone for the purpose of voting in any local, state or federal election, but only if the following conditions are all satisfied:

1. The person is eligible to vote;
 2. The polling location is the designated polling place for the designated offender; and
 3. The person enters the polling place property, proceeds to cast a ballot with whatever usual and customary assistance is provided to any member of the electorate, and the person vacates the property immediately after voting.
- e. If the designated offender enters or is present in a restricted zone that supports an elementary or secondary school that the designated offender currently attends, but only if the designated offender's presence is required for educational purposes.

(d) RESIDENCY RESTRICTIONS.

(1) A designated offender shall not reside within 1,500 feet of a restricted zone. The distance shall be measured by following a straight line from the closest boundary line of the real property supporting the residence of a designated offender to the closest real property boundary line of the restricted zone.

(2) Exceptions. A designated offender residing within 1,500 feet of the real property comprising any restricted zone does not violate this ordinance if any of the following apply:

- a. The person has established a residence prior to the effective date of this section which is within 1,500 feet of any restricted zone, or if a property becomes a restricted zone after the effective date of this Ordinance, and it is located within such 1,500 feet of a residence of a designated offender which was established prior to the effective date of this Ordinance.
- b. The designated offender is a minor or ward under guardianship.

(e) ACCOUNTABILITY PROGRAM.

(1) The Park Falls Police Department shall establish and maintain department policy and procedures to verify the registered address of designated offenders and to identify those designated offenders not in compliance with the Wisconsin Department of Corrections Sex Offender Registry.

(2) Designated offenders shall provide the Park Falls Police Department or any official law enforcement officer requesting same, with current photograph and address, employment location, vehicle description(s), and other related information that may be deemed appropriate and lawful.

(f) OBSTRUCTION.

(1) It shall be unlawful for any person to willfully obstruct, hinder, or delay the enforcement of any order, rule, regulation, or plan issued pursuant to this chapter, or to do any act forbidden by any order, rule, regulation, or plan issued pursuant to the authority contained in this section.

(2) Any person violating a provision of this chapter shall, upon conviction thereof, be subject to forfeiture as designated in Section 1-1-7 (General Penalty) of the City of Park Falls Municipal Code of Ordinances.

(g) SEVERABILITY. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is found invalid or unconstitutional by a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

APPENDIX A

Price County Drug Paraphernalia Ordinance 87-2

POSSESSION OF DRUG PARAPHERNALIA (Effective from 12:01 a.m., September 1, 1987)

The County Board of Supervisors of the County of Price do ordain as follows:

SECTION 1--INTRODUCTION.

The County Board of Supervisors recognizes that the illegal use of drugs in our country and Price County poses a substantial risk of harm to the continued safety, welfare, health, and future of our young people. The Board of Supervisors is further aware that some illegal drugs require the use of items or paraphernalia in their consumption. However, the Board is concerned that the case Kabat v. State, 76 Wis. 2d 224, 251 N.W.2d 38 (1976), where the Court of Appeals held that the mere existence of residue of marijuana in a pipe used for smoking marijuana is not sufficient to impute knowledge to the alleged offender, will deter effective law enforcement is combating the distribution and sale of drugs.

SECTION II--PROHIBITION AND PENALTY.

Whoever possesses an item designed for use with illegal drugs, which has, in fact, been so used shall be subject to a forfeiture not to exceed Three Hundred Dollars (\$300.00), plus penalty assessment and court costs.

SECTION III--DEFINITIONS.

- (1) **Item designed for use with illegal drugs** includes but is not limited to pipes, roach clips, bongs and mirrored cutting kits, whether handcrafted or marketed, intended for or commonly associated with the use of illegal drugs.
- (2) **In fact been so used** means that the item yields a positive result after being subjected to the appropriate field test by a properly trained law enforcement officer, which field test is generally accepted and relied upon by law enforcement personnel for the detection of the presence of illegal drugs.
- (3) **Mirrored cutting kit** means a pocket-sized carrying case consisting of a mirror, razor or similar cutting device and straw commonly associated with the storage and preparation of cocaine.
- (4) **Illegal drugs** means those controlled substances as listed in Chapter 161 of the Wisconsin Statutes, as amended from time to time.

SECTION IV--AUTHORITY.

Any Price County law enforcement officer is authorized to issue citations under this Ordinance.

SECTION V--SEVERABILITY.

If any provisions of this Ordinance shall be determined by a court to be invalid, the validity of the remaining portions of this Ordinance shall not be affected.

CHAPTER 3

Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Theft of Library Materials
11-3-5	Cemetery Regulations
11-3-6	Damage to Public Property
11-3-7	Retail Theft
11-3-8	Unlawful Removal of Donated Items
11-3-9	Damage to Property

SEC. 11-3-1 DESTRUCTION OF PROPERTY PROHIBITED.

- (a) **Destruction of Property.** No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature within the City of Park Falls and belonging to the City or its departments, the School District or to any private person, without the consent of the owner or proper authority.
- (b) **Parental Liability.** Pursuant to Sec. 895.035, Wis. Stats., the parents of an unemancipated minor shall be liable for the damage of property caused by the willful, malicious or wanton act of such child; such liability shall not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
- (c) **Unlawful Removal of Property.** It shall be unlawful for any person to take and carry away the property of another without the owner's consent with the intention to do so.

SEC. 11-3-2 LITTERING PROHIBITED.

- (a) **Littering Prohibited.** No person shall throw any glass, refuse or waste, filth or other litter upon the streets, alleys, highways, public parks or other property of the City, or upon property within the City owned by the School District or any private person, or upon the surface of any body of water within the City.
- (b) **Litter From Conduct of Commercial Enterprise.**
 - (1) Scope. The provisions of this Subsection shall apply to all sales, promotions and other commercial ventures that result in litter being deposited on any street, alley or other public way.
 - (2) Litter to be cleaned up. Any person, firm, corporation or association carrying on an enterprise that results in litter being deposited on any street, alley or other public way shall clean up the same within twelve (12) hours of the time the same is deposited. If any such litter is subject to being blown about, it shall be picked up immediately. If any such litter is likely to attract animals or vermin, such litter shall be picked up immediately.

- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. Applicable bidding procedures shall be used for any arrangement for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Common Council or Water and Street superintendent pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (d) **Handbills.**
- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising material or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.
- (e) **Dumpsters/Waste Receptacles.**
- (1) Disposal of Materials in Private Dumpsters. It is unlawful to dispose of any materials, including but not limited to garbage, trash, wast, etc. in any privately owned or rented dumpster/waste receptacle by anyone other than the person owning/renting the dumpster/waste receptacle or by persons authorized by the owner/renter of the dumpster/waste receptacle to dispose of the aforementioned materials in the dumpster/waste receptacle.
- (2) Notice of Violation. All private dumpsters/waste receptacles shall bear a notice/sticker on the upper front center of the dumpster/waste receptacle stating the following:

"Unauthorized placement of materials in this container is prohibited and subject to prosecution by City Ordinance. Violators are subject to a fine of Five Hundred Dollars (\$500) or more."

- (3) Availability of Notices/Stickers. The City Clerk shall order and make available notices/stickers to be placed on all private dumpsters stating the following:

"Unauthorized placement of materials in this container is prohibited and subject to prosecution by City Ordinance. Violators are subject to a fine of Five Hundred Dollars (\$500) or more."

The City Clerk shall make the aforementioned notices/stickers available to the public at cost.

SEC. 11-3-3 ABANDONED REFRIGERATORS 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 ice box, 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 said door or lid, snap lock or other locking device from said ice box, 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. Excepted from the provisions of this Section are refrigerators used outside as smokehouses, provided they are kept locked.

SEC. 11-3-4 THEFT OF LIBRARY MATERIAL.

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:
- (1) Archives. A place in which public or institutional records are systematically preserved.
 - (2) Library. Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the City of Park Falls and school libraries.
 - (3) Library Material. Includes any book, plate, picture photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics, belonging to, on loan to or otherwise in the custody of a library.
- (b) **Possession Without Consent Prohibited.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the

consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last-known address of the person with the overdue material; the notice date shall be the date of mailing.

- (c) **CONCEALMENT.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) **DETENTION BASED ON PROBABLE CAUSE.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person. Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (e) **DAMAGING MATERIAL PROHIBITED.** No person shall mar, deface or in any other way damage or mutilate any library material.
- (f) **RETURN DEMANDED.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.
- (g) **Forfeiture.** In addition to the monetary forfeiture for a violation of this section, the court may also revoke all library privileges for a period not to exceed three (3) years for a person to be found in violation of this section.
- (h) **Restitution.** In addition to the mandated forfeiture for a violation of this section and potential revocation of library privileges as set forth herein, the court may also order restitution for the replacement of the library materials. In the event that a minor child is guilty of failure to return library materials, the court may order restitution for the replacement of the library materials in accordance with Wis. Stat. §895.035.

State Law Reference: Section 943.61, Wis. Stats.

SEC. 11-3-5 CEMETERY REGULATIONS.

- (a) **PURPOSE AND DEFINITION.** In order to protect cemetery areas within the City from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the City of Park Falls.

(b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.

(c) **Specific Regulations.**

- (1) **Disturbing Cemetery Property.** No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owners consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.
- (2) **Protection of Cemetery Property.** No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) **Motor Vehicles.** Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) **Speed Limit.** No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) **Parking.** No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.

- (6) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) Pets. Pets, including animals of any species, and horses are prohibited in any cemetery.
- (8) Sound Devices. No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) Authorized Notices. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery
- (10) Loitering Prohibited. No person shall loiter or cause a nuisance or engage in any sport or exercise on any cemetery property without the owner's consent.
- (11) Alcoholic Beverages Prohibited. No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the City unless the property is specifically named as being part of a licensed premises.
- (12) Play Vehicles Prohibited. No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
- (13) Presence After Hours Prohibited. No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Cross Reference: Title 8, Chapter 4.

SEC. 11-3-6 DAMAGE TO PUBLIC PROPERTY.

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk or other public property in the City of Park Falls.
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the City.
- (c) **Penalties.** Persons violating the provisions of this Section shall be subject to the penalties prescribed in Section 1-1-7. In addition, persons violating this Section shall be responsible for paying the costs of the damage caused.

SEC. 11-3-7 RETAIL THEFT.

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof. The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.
- (c) A merchant or merchant's adult employee 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 peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone 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. Compliance with this Subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Section 943.50, Wis. Stats.

SEC. 11-3-8 UNLAWFUL REMOVAL OF DONATED ITEMS.

It is unlawful for any unauthorized person to remove any donations, donated personal property or recyclable materials from any collection unit for such items that are for any charitable, benevolent or non-profit organization.

SEC. 11-3-9 DAMAGE TO PROPERTY.

- (1) It is unlawful for any person to intentionally or recklessly cause damage to any physical property of another person without the other person's consent.
- (2) "Recklessly" means that the person's actions create an unreasonable and/or substantial risk of damage to the physical property, belonging to another person.
- (3) Restitution. In addition to the mandated forfeiture for a violation of this Section, the Court may also order restitution for the replacement of damaged property. In the event that a minor child is guilty of intentionally or recklessly damaging property, the Court may order restitution for the damaged property in accordance with Wis. Stat. § 895.035.

CHAPTER 4
Offenses Involving Alcoholic Beverages

11-4-1 Outside Consumption

11-4-2 Underage Consumption of Alcoholic Beverages

SEC. 11-4-1 OUTSIDE CONSUMPTION.

(a) **ALCOHOLIC BEVERAGES IN PUBLIC AREAS.**

- (1) Regulations. It shall be unlawful for any person to sell, serve or give away, or offer to sell, serve or give away, any alcoholic beverage upon any public street, sidewalk, alley, public parking lot, highway, cemetery or drives or other public area within the City or on private property without the owner's consent, except at licensed premises. It shall be unlawful for any person to consume or have in his possession any open container containing alcohol beverage upon any public street, public sidewalk, public way, public alley or public parking lot within the City except at licensed premises.
- (2) Private Property Held Out For Public Use. It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the City unless the property is specifically named as being part of a licensed premises.
- (3) Leaving Licensed Premises With Open Container.
 - a. It shall be unlawful for any licensee, permittee or operator to permit any patron to leave the licensed premises with an open container containing any alcohol beverage.
 - b. It shall be unlawful for any patron to leave a licensed premises with an open container containing any alcohol beverage.
- (4) Consumption in Parks.
 - a. Consumption of intoxicating liquors in the City Park is prohibited.
 - b. Consumption of fermented malt beverages in the City Park is permitted between the hours of 10:00 a.m. and 10:00 p.m. only, except that such consumption may be allowed by special permit during restricted hours. Permits shall be obtained from the Common Council.
- (5) Exceptions.
 - a. The provisions of this Section may be waived by the Common Council for duly authorized events.
 - b. Any organization which has been issued a special Class "B" fermented malt beverage picnic license pursuant to this Code of Ordinances, provided that the provisions of this Chapter and Title 7, Chapter 2, are fully complied with.

(b) **DEFINITIONS.**

- (1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether

medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.

- (2) As used in this Section, the term "public area" shall be construed to mean any location within the City which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- (3) As used in this Chapter "underage person" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

SEC. 11-4-2 UNDERAGE CONSUMPTION OF ALCOHOLIC BEVERAGES.

(a) Underage Consumption of Alcoholic Beverages

- (1) An underage person may not possess or consume any alcoholic beverage unless such underage person is accompanied by a parent, guardian, or spouse who has attained the legal drinking age.
- (2) An underage person may not have an illegal alcohol concentration while they are within the City on either public or private land unless the underage person is accompanied by a parent, guardian or spouse who has attained the legal drinking age.
- (3) A parent, guardian, or spouse who has attained the legal drinking age and has allowed an underage person under the age of 18 years that is their child, ward or spouse to consume alcohol, must accompany the underage person under the age of 18 years until the underage person no longer has an illegal alcohol concentration.

(b) Rebuttable Presumptions

- (1) There is a rebuttable presumption that an underage person has an illegal alcohol concentration if an odor of alcohol may be detected upon the underage person's breath and the underage person refuses to submit to a test of their breath.
- (2) There is a rebuttable presumption that an underage person has an illegal alcohol concentration if the underage person submits to a preliminary breath test (PBT) and the preliminary breath test shows that the underage person's alcohol concentration is greater than 0.00 grams of alcohol in 210 liters of breath.

(c) Definitions

- (1) As used in this section, the term "alcoholic beverage" shall mean fermented malt beverages and intoxicating liquor.
- (2) As used in this section, the term "illegal alcohol concentration" shall mean an alcohol concentration of greater than 0.00 grams of alcohol in 210 liters of breath or equivalent alcohol concentration in the person's blood or urine.
- (3) As used in this section, the term "underage person" shall mean a person who has not attained the legal drinking age.

CHAPTER 5

Offenses by Juveniles

- 11-5-1 Curfew
- 11-5-2 Sale, Purchase or Possession of Tobacco Products Prohibited

SEC. 11-5-1 CURFEW.

- (a) **Curfew Established.** It shall be unlawful for any person under eighteen (18) years of age to be on foot, bicycle or in any type of vehicle on any public street, avenue, highway, road, alley, park, school grounds, swimming beach, cemetery, playground, public building or any other public place in the City of Park Falls between the hours 10:00 p.m. and 5:00 a.m., unless accompanied by his or her parent or guardian, or person having lawful custody and control of his or her person, or unless there exists a reasonable necessity therefor. The fact that said child, unaccompanied by parent, guardian or other person having legal custody is found upon any such public place during the aforementioned hours shall be prima facie evidence that said child is there unlawfully and that no reasonable excuse exists therefor:
- (b) **Exceptions.**
 - (1) This Section shall not apply to a child:
 - a. Who is performing an errand as directed by his parent, guardian or person having lawful custody.
 - b. Who is on his own premises or in the areas immediately adjacent thereto.
 - c. Whose employment makes it necessary to be upon the streets, alleys or public places or in any motor vehicle during such hours.
 - d. Who is returning home from a supervised school, church or civic function.
 - (2) These exceptions shall not, however, permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.
- (c) **Parental Responsibility.** It shall be unlawful for any parent, guardian or other person having the lawful care, custody and control of any person under eighteen (18) years of age to allow or permit such person to violate the provisions of (a) or (b) above. The fact that prior to the present offense a parent, guardian or custodian was informed by any law enforcement officer of a separate violation of this Section occurring within thirty (30) days of the present offense shall be prima facie evidence that such parent, guardian or custodian allowed or permitted the present violation. Any parent, guardian or custodian herein who shall have made a missing person notification to the police department shall not be considered to have allowed or permitted any person under eighteen (18) years of age to violate this Section.

(d) **Taking a Child Into Custody.**

- (1) Every law enforcement officer while on duty is hereby authorized to take into custody any child violating the provisions of Subsection (a) 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 immediately to 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 for the child, 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 authorized under Sec. 48.277 of the Wisconsin Statutes. The parent, guardian, legal custodian, or other responsible adult to whom the child is released shall sign a release for the child.
- (2) If the child is not released under this Subsection, the officer shall deliver the child to the Price County Juvenile Court Intake Worker in a manner determined by the court and law enforcement agencies, stating in writing with supporting facts the reasons why the child was taken into physical custody and giving any child twelve (12) years of age or older a copy of the statement in addition to giving a copy to the Intake Worker. A Juvenile violating these curfews regularly may be warned by an officer on duty in his discretion and sent home in lieu of taking the juvenile into custody.
- (3) If the child is believed to be suffering from a serious physical condition which requires either prompt diagnosis or prompt treatment, the officer shall take such action as is required under Sec. 48.20(4), Wis. Stats. If the child is believed to be mentally ill, drug dependent, or developmentally disabled and exhibits conduct which constitutes a substantial risk of physical harm to the child or to others, the officer shall take such action as is required under Sec. 48.20(5), Wis. Stats. If the child is believed to be an intoxicated person who has threatened, attempted, or inflicted physical harm on himself or herself or on another and is likely to inflict such physical harm unless committed or is incapacitated by alcohol, the officer shall take such action as is required under Sec. 48.20(6), Wis. Stats.

(e) **Warning and Penalty.**

- (1) Warning. The first time a parent, guardian, or person having legal custody of a child who is taken into custody by a law enforcement officer as provided in Subsection (d) above, such parent, guardian, or person having such legal custody shall be advised as to the provisions of this Section and further advised that any violation of this Section occurring thereafter by this child or any other child under his or her care or custody shall result in a penalty being imposed as hereinafter provided.
- (2) Penalty. Any parent, guardian, or person having legal custody of a child described in Subsection (a) above who has been warned in the manner provided in Subsection (d)(1) herein and who thereafter violates this Section shall be subject to a penalty as provided in Section 1-1-7 of this Code of

Ordinances. After a second violation within a six (6) month period, if the defendant, in a prosecution under this Section, proves that he or she is unable to comply with this Section because of the disobedience of the child, the action shall be dismissed and the child shall be referred to the court assigned to exercise jurisdiction under Chapter 48, Wis. Stats. Any minor person under sixteen (16) years of age who shall violate this Section shall, upon conviction thereof, forfeit Twenty-five Dollars (\$25.00), together with the costs of prosecution.

SEC. 11-5-2 SALE, PURCHASE OR POSSESSION OF TOBACCO PRODUCTS PROHIBITED.

(a) Wis. Stat. Sec. 48.983 adopted:

- (1) Wis. Stat. Sec. 48.983 prohibiting the purchase or possession of tobacco products by underage persons is hereby adopted as though fully stated herein. Any future amendments, revisions or modifications are incorporated herein by reference and are intended to be made a part of this code.
- (2) Except as provided herein, no underage person 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; or
 - c. Possess any cigarette or tobacco product.
- (3) A child may purchase or possess 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 Wis. Stat. Sect. 134.65(1).
- (4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of this ordinance.

(b) Wis. Stat. Sec. 134.66 adopted:

- (1) Wis. Stat. Sec. 134.66 prohibiting the sale or gift of cigarettes or tobacco products to underage persons is hereby adopted as though fully stated herein. Any future amendments, revisions or modifications are incorporated herein by reference and are intended to be made a part of this code.
- (2) No person may procure for, sell, dispense, or give away any cigarette or tobacco product to any underage person.
- (3) No licensee or permittee may sell, vend, deal or traffic in cigarettes or tobacco products to or with any underage person.
- (4) No adult may intentionally encourage or contribute to a violation of subparagraph (a)(2).
- (5) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of this ordinance.

CHAPTER 6

Public Nuisances

- 11-6-1 *Public Nuisances Prohibited*
- 11-6-2 *Public Nuisances Defined*
- 11-6-3 *Public Nuisances Affecting Health*
- 11-6-4 *Public Nuisances Offending Morals and Decency*
- 11-6-5 *Public Nuisances Affecting Peace and Safety*
- 11-6-6 *Abatement of Public Nuisances*
- 11-6-7 *Cost of Abatement*
- 11-6-8 *Harassing or Obscene Phone Calls*
- 11-6-9 *Feeding of Deer Prohibited*

SEC. 11-6-1 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the City of Park Falls.

SEC. 11-6-2 PUBLIC NUISANCES DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) *Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;*
- (b) *In any way render the public insecure in life or in the use of property;*
- (c) *Greatly offend the public morals or decency;*
- (d) *Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.*

SEC. 11-6-3 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 11-6-2:

- (a) *ADULTERATED FOOD.* All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) *UNBURIED CARCASSES.* Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) *BREEDING PLACES FOR VERMIN, ETC.* Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any

- material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (e) GARBAGE CANS. Garbage cans which are not fly-tight.
 - (f) NOXIOUS WEEDS. All noxious weeds and other rank growth of vegetation.
 - (g) WATER POLLUTION. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
 - (h) NOXIOUS ODORS, ETC. Any use of property, substances or things within the City or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, Rases, effluvia or stenchs extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
 - (i) STREET POLLUTION. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
 - (j) ANIMALS AT LARGE. All animals running at large.
 - (k) ACCUMULATIONS OF REFUSE. Accumulations of combustible and noncombustible waste materials, except garbage, including, without limitation because of enumeration, the residue from the burning of wood, coal and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, ashes and other similar materials.
 - (l) AIR POLLUTION. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

SEC. 11-6-4 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 11-6-2:

- (a) DISORDERLY HOUSES. All disorderly houses bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) GAMBLING DEVICES. All gambling devices and slot machines, except as permitted by state law.
- (c) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the City.
- (d) CONTINUOUS VIOLATION OF CITY ORDINANCES. Any place or premises within the City where City Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the City.
- (f) ILLEGAL DRUG HOUSE. It is unlawful for any person to knowingly keep or maintain any store, shop, warehouse, dwelling, building, or other structure or place, which was resorted to by persons illegally using controlled substances, or which is used for illegally manufacturing, keeping or delivering controlled substances.

SEC. 11-6-5 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 11-6-2:

- (a) **Signs, Billboards, Etc.** All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
- (b) **Illegal Buildings.** All buildings erected, repaired or altered in violation of the provisions of the Ordinances of the City relating to materials and manner of construction of buildings and structures within the City.
- (c) **Unauthorized Traffic Signs.** All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which, because of its color, location, brilliance or manner of operation, interferes with the effectiveness of any such device, sign or signal.
- (d) **Obstruction of Intersections.** All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
- (e) **Tree limbs.** All limbs of trees which project over a public sidewalk less than ten (10) feet above the surface thereof and all limbs which project over a public street less than fourteen (14) feet above the surface thereof
- (f) **Dangerous Trees.** All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.
- (g) **Fireworks.** All use or display of fireworks except as provided by the laws of the State of Wisconsin and Ordinances of the City.
- (h) **Dilapidated Buildings.** All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (i) **Wires Over Streets.** All wires over streets, alleys or public grounds which are strung less than fifteen (15) feet above the surface thereof.
- (j) **Noisy Animals or Fowl.** The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the City.
- (k) **Obstructions of Streets: Excavations.** All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the Ordinances of the City or which, although made in accordance with such Ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished, or which do not conform to the permit.
- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.

- (m) **ABANDONED REFRIGERATORS.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **FLAMMABLE LIQUIDS.** Repeated or continuous violations of the Ordinances of the City or laws of the State relating to the storage of flammable liquids.
- (o) **UNREMOVED SNOW.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this code.

SEC. 11-6-6 PUBLIC NUISANCES - OTHER

The following acts, omissions, places, conditions and things are hereby declared to be other public nuisances, but such enumeration shall not be construed to exclude other nuisances coming within the definition of Section 11-6-2:

- (a) **DUMPING AND LITTERING.** Dumping of any residential or commercial garbage, rubbish, furniture or furnishings, brush, junk, stone, construction materials, appliances, grease, solvents, petroleum products, vehicle and vehicle parts unless such dumping is within an approved landfill or recycling center.
- (b) **APPLIANCES.** Storing and/or dumping of appliances, appliance parts, plumbing fixtures, furniture, televisions, microwaves, bicycles and such similar items.
- (c) **YARD SALES.** Yard and garage sales can exceed no more than 5 consecutive days and no more than 20 days annually..
- (d) **FREE ITEMS.** Items to be given away cannot be displayed for more than 5 consecutive days.

SEC. 11-6-7 ABATEMENT OF PUBLIC NUISANCES.

- (a) **ENFORCEMENT.** The Chief of Police, Water and Street Superintendent, Building Inspector, the Chief of the Fire Department and the Common Council shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- (b) **SUMMARY ABATEMENT.** If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (c) **ABATEMENT AFTER NOTICE.** If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b)

- (d) **OTHER METHODS NOT EXCLUDED.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

SEC. 11-6-8 COST OF ABATEMENT.

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the City, including the costs of service of the notice, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

SEC. 11-6-9 HARASSING OR OBSCENE PHONE CALLS.

No person shall do any of the following by means of telephone calls originating within or received within the limits of the City of Park Falls.

- (a) Make any comment, request, suggestion or proposal which is obscene, lewd, lascivious, filthy or indecent.
- (b) Make a telephone call, whether or not conversation ensues, with the intent to abuse, threaten or harass any person at the called number or numbers.
- (c) Make or cause the telephone of another repeatedly or continuously to ring, with intent to harass any person at the called number or numbers.
- (d) Make repeated telephone calls, during which conversation ensues, solely to harass any person at the called number or numbers.
- (e) Knowingly permit any telephone under his or her control to be used for any purpose prohibited by this Subsection.
- (f) In conspiracy or concerted action with other persons, make repeated calls or simultaneous calls solely to harass any person at the called number or numbers.
- (g) Intentionally communicate with the dispatchers of the Park Falls Police Department and/or Price County Sheriff's Department by means of the 911 emergency telephone number (i) for any intention other than to report an emergency or (ii) for reporting an emergency knowing that the fact situation which he or she reports does not exist. An emergency is a situation which requires immediate response by public safety personnel regarding:
 - (1) Serious illness or injury which could result in death or bodily harm.
 - (2) Property damage or loss.
 - (3) Occurrence of a criminal act.
 - (4) Any other situation which, in the good faith belief of the caller, requires the immediate response of public safety personnel.

SEC 11-6-10 FEEDING OF DEER PROHIBITED.

- (a) It shall be unlawful for any person to place any feed such as salt, minerals, grain, fruit, vegetable material, sunflower seeds, deer suckers, or any other type of feed, on any public or private property for the purposes of enticing whitetail deer into any specific area of anyone's property in the City of Park Falls except as provided in paragraph (c) herein.
- (b) There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
 - (1) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half gallon at the height of less than six(6) feet off the ground.
 - (2) The placement of salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the salt, minerals, grain, fruit, vegetable material, sunflower seeds, or deer suckers.
- (c) This section shall not apply to the following situations:
 - (1) The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.
 - (2) Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, or gardens and other vegetable materials maintained as a mulch or compost pile.
 - (3) Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Deer feeding may be authorized on a temporary basis by the Common Council for specific public purposes determined by the Common Council.
- (d) Any person who violates any provision of this ordinance shall first be issued a warning. Any person who violates any provision of this ordinance after being issued a warning shall be fined One Hundred Dollars (\$100) plus penalty assessments and costs.

CHAPTER 7

Section 11-7-1 - SMOKING PROHIBITED IN CERTAIN AREAS

(a) PURPOSE. The purposes of this Ordinance are:

- (1) To protect the public health and welfare by prohibiting smoking in public places and places of employment; and
- (2) To guarantee the right of nonsmokers to breathe smoke-free air.

(b) DEFINITIONS.

- (1) **Bar** means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to, taverns, nightclubs, cocktail lounges, and cabarets.
- (2) **Childcare facility** means any state licensed or county certified child care facility including, but not limited to licensed family day care or licensed group day care centers, licensed day camps, certified school-age programs and Head Start programs.
- (3) **Educational facility** means any building used principally for educational purposes in which a school is located or a course of instruction or training program is offered that has been approved or licensed by a state agency or board.
- (4) **Employee** means any person who is employed by any employer for direct or indirect monetary wages or profit, including those full time, part-time, temporary or contracted for from a third party; employee also means any person who serves as a volunteer for a business or nonprofit entity.
- (5) **Employer** means any person, partnership, limited liability company, corporation, or other entity, including a public or nonprofit entity who employs the services of one (1) or more individual persons.
- (6) **Enclosed place** means a structure or area that has both a roof and more than 2 substantial walls.
- (7) **Health care facility** means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to, hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- (8) **Person in charge** means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or within or at a location where smoking is prohibited or regulated under this section .
- (9) **Place of employment** means any enclosed place that employees normally frequent during the course of employment, including an office, a work area, an elevator, an employee lounge, a restroom, a conference room, a meeting room, a classroom, a hallway, a stairway, a lobby, a common area, a vehicle, or an employee cafeteria.

- (10) **Private residence** means premises owned, rented or leased for temporary or permanent habitation.
 - (11) **Public place** means any enclosed place that is open to the public, regardless of whether a fee is charged or a place to which the public has lawful access or may be invited.
 - (12) **Smoking** means burning or holding, or inhaling or exhaling smoke from, any lighted cigarette, cigar, pipe or similar tobacco product or other lighted plant product.
 - (13) **Sports arena** means sports pavilions, bleachers, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and indoor ice rinks, and bowling centers.
 - (14) **Substantial wall** means a wall with no opening or with an opening that either does not allow air in from the outside or is less than 25 percent of the wall's surface area.
 - (15) **Tobacco Bar** means a bar that generates fifteen percent (15%) or more of its annual gross income from the on-site sale of cigars and tobacco for pipes, not including any sales from vending machines.
 - (16) **Retail tobacco store** means a retail establishment that derives more than seventy-five percent (75%) of its gross annual income from the sale of cigars, cigarettes, pipes, or other smoking devices for burning tobacco and related smoking accessories and in which the sale of other products is merely incidental. "Retail tobacco store" does not include any establishment with a Class 'B' fermented malted beverages license or 'Class B' intoxicating liquor license
- (c) **PROHIBITION OF SMOKING IN ENCLOSED PUBLIC PLACES.** Except as otherwise provided, it shall be unlawful for any person to smoke in public places, including but not limited to the following:
- (1) Public forms of transportation, including but not limited to motor buses, taxicabs, or other public passenger vehicles
 - (2) Theaters, libraries, museums, auditoriums, and convention halls that are used by or open to the public
 - (3) Any childcare facility
 - (4) Retail stores
 - (5) Health care facilities, except as provided in subsections (f)2 and 3
 - (6) Meeting and conference rooms in which people gather for educational, business, professional, union, governmental, recreational, political or social purposes
 - (7) Service lobbies, waiting areas, and the common areas open to the public of financial institutions, business and professional offices, and multi-unit commercial facilities
 - (8) Self-service laundry facilities
 - (9) Enclosed places of restaurants
 - (10) Enclosed places of malls
 - (11) City buildings
 - (12) Sports arenas, including enclosed places in outdoor arenas
 - (13) Enclosed places of bars
 - (14) Bed and breakfast establishments, hotels and motels
 - (15) Educational facilities, both public and private
 - (16) All enclosed places other than those listed in subsections 1 to 18, that are places of employment or that are public places.

- (d) PROHIBITION OF SMOKING IN PLACES OF EMPLOYMENT.
- (1) It shall be unlawful for any person to smoke cigarettes or tobacco products in places of employment.
- (e) WHERE SMOKING IS NOT REGULATED. The following areas shall not be subject to the smoking restrictions of this section:
- (1) Private residences and outdoor private property.
 - (2) A room used by only one person in an assisted living facility as his or her residence.
 - (3) A room in an assisted living facility in which 2 or more persons reside if every person who lives in that room smokes and each of those persons has made a written request to the person in charge of the assisted living facility to be placed in a room where smoking is allowed.
 - (4) A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
 - (5) A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
 - (6) Outdoor areas of places of employment
 - (7) A designated outdoor area that is a reasonable distance from the entrance to a restaurant, tavern, private club, or retail establishment where customers, employees, or persons associated with the restaurant, tavern, private club, or retail establishment may smoke, as established by a person in charge.
- (f) SIGNAGE.
- (1) Signs setting forth the prohibition of smoking shall be clearly and conspicuously posted in every public place and place of employment where smoking is prohibited by this Ordinance, by the owner, operator, manager, or other person in charge of that place. Signs shall have on them the uniform characteristics specified by the Wisconsin Department of Commerce.
 - (2) All ashtrays shall be removed from any area where smoking is prohibited by this Ordinance by the owner, operator, manager, or other person in charge of that place.
- (g) ENFORCEMENT.
- (1) This Ordinance shall be enforced by the Police Chief, Building Inspector, or an authorized designee.
 - (2) Notice of the provisions of this Ordinance shall be given in writing to all applicants for a liquor license in the City of Park Falls.
 - (3) Any citizen who desires to register a complaint under this Ordinance may initiate enforcement with the Chief of Police.
 - (4) The Police Department, Fire Department, Building Inspector, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Ordinance.
 - (5) If an owner, manager, operator, person in charge, or employee of an establishment subject to this Ordinance observes a person violating the Ordinance, he or she shall immediately direct the person in violation to stop smoking. If the person violating the Ordinance does not stop smoking, the owner, manager, operator, person in

charge, or employee shall make reasonable efforts to prevent smoking in prohibited areas by:

- a. Approaching smokers who fail to voluntarily comply with this section and requesting that they extinguish their cigarette or tobacco product and refrain from smoking, or
 - b. Refusing service to anyone smoking in a prohibited area.
- (6) In addition to the remedies provided by the provisions of this Section, the Chief of Police or any person aggrieved by the failure of the owner, operator, manager, or person in charge of a public place or a place of employment to comply with the provisions of this Ordinance may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(h) VIOLATIONS AND PENALTIES

- (1) A person who smokes in an area where smoking is prohibited by the provisions of this Ordinance shall be guilty of an infraction, punishable by a forfeiture not exceeding one hundred dollars (\$100) for each violation.
- (2) A person who owns, manages, operates, or a person in control of a public place or place of employment and who fails to comply with the provisions of this Ordinance shall be guilty of an infraction, punishable by a forfeiture not exceeding one hundred dollars (\$100) for each violation.
- (3) Violation of this Ordinance is hereby declared to be a public nuisance, which may be abated by the City by restraining order, preliminary and permanent injunction, or other means provided for by law, and the City may take action to recover the costs of the nuisance abatement.
- (4) Each day on which a violation of this Ordinance occurs shall be considered a separate and distinct violation.

(i) CLEAN INDOOR AIR.

- (1) Intent and Construction. The City of Park Falls finds that it is in the interests of the health, safety and welfare of the community to adopt by reference Sec. 101.123, Wis. Stats., and subsequent amendments, additions and recodifications thereto. It is the intent of this Ordinance that where there may be conflict between Sec. 101.123, Wis. Stats., or any subsequent amendments, additions and recodifications thereto, and this Ordinance, that the provisions of the applicable state statute shall apply. This Ordinance shall not be construed to mean that progressive discipline of City employees for violations of laws, rules, and regulations is only authorized where explicitly provided by Ordinance.
- (2) In the event that Sec. 101.123, Wis. Stats, as effective July 5, 2010, is repealed by an act of the Wisconsin Legislature, this ordinance shall be null and void.
- (3) Penalty. The penalties provided by this Ordinance and Sec. 101.123, Wis. Stats., any City employee who violates any provision of this Ordinance or Sec. 101.123, Wis. Stats., may also be subject to progressive discipline by his or her employer.