

# TITLE 11

---

## Offenses

- 11.01 State Statutes Adopted
- 11.02 Truancy and School Dropouts
- 11.03 Alcoholic Beverages
- 11.04 Purchase/Possession of tobacco products prohibited
- 11.05 Offenses Against Bodily Security
- 11.06 Offenses Against Public Health and Safety
- 11.07 Offenses Against Property
- 11.08 Offenses Against Sexual Morality
- 11.09 Gambling
- 11.10 Offenses Against Government
- 11.11 Interference with Law Enforcement
- 11.12 Offenses Against Public Peace, Order and Other Interest
- 11.13 Offenses Against Animals
- 11.14 Controlled Substances
- 11.15 Curfew for Juveniles
- 11.16 Public Nuisance affecting Peace and Quiet
- 11.17 Penalties



## **11.01 STATE STATUTES ADOPTED**

(1) The following state 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 of Adams, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the penalty provision of this Chapter. Any future amendments, revisions, or modifications of the statutes incorporated herein by reference are intended to be made part of this chapter.

## **11.02 TRUANCY AND SCHOOL DROPOUTS**

(1) Definitions. In this ordinance the following terms shall have the following meanings:

(a) "Dropout" means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high school and does not have an acceptable excuse under Wis. Stat. sec. 118.15(1) (b) to (d) or (3).

(b) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse under Wis. Stat. sec. 118.15 for part or all of 5 or more days on which school is held during a school semester.

(c) "Operating Privilege" means, in the case of a person who is licensed under Wis. Ch. 343, the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational license granted to such person, in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Wis. Ch. 343; in the case of a nonresident, it means the operating privilege granted by Wis. Stat. sec. 343.05(2)(a) or (4)(b)(1).

(d) "Truant" means a pupil who is absent from school without an acceptable excuse under Wis. Stat. subsect. 118.15 and 118.16(4) for part or all of any day on which school is held during a school semester.

(2) Truants.

(a) Prohibition. A person under the age of 18 who is assigned to attend a school in the City shall not be a truant.

(b) Dispositions. When a person is found to be a truant, the following dispositions shall be available to the court:

(I) An order for the person to attend school.

(II) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any 2nd or subsequent violation committed within 12 months of a previous violation, subject to Wis. Stat. sec. 938.37 and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(3) Habitual Truants.

(a) Prohibition. A person under the age of 18 who is assigned to attend a school in the City shall not be a habitual truant.

(b) Dispositions. When a person is found to be a habitual truant, the following dispositions shall be available to the court:

(I) Suspension of the person's operating privilege for not less than 30 days nor more than one year. The court shall immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.

(II) An order for the person to participate in counseling or a supervised work program or other community service work as described in Wis. Stat. sec. 938.34(5) (g). The costs of any such counseling, supervised work program or other community work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which the person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of \$25,000 for any act or omission by or impacting on that person.

(III) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to or from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.

(IV) An order for the person to attend an educational program as described in Wis. Stat. sec. 938.34(7) (d).

(V) An order for the department of workforce development to revoke under Wis. Stat. sec. 103.72, a permit under Wis. Stat. sec. 107.70 authorizing the employment of the person.

(VI) An order for the person to be placed in a teen court program as described in Wis. Stat. sec. 938.342(1) (g) (f).

(VII) An order for the person to attend school.

(VIII) A forfeiture of not more than \$500 plus costs, subject to Wis. Stat. sec. 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(IX) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going or remaining on specified premises and restrictions on associating with other children or adults.

(X) An order placing the person under formal or informal supervision, as described in Wis. Stat. sec. 938.34(2), for up to one year.

(XI) An order for the person's parent, guardian or legal custodian to participate in counseling at the parent's, guardian's or legal custodian's own expense or to attend school with the person, or both.

(4) Dropouts.

(a) Prohibition. No person shall be a dropout.

(b) Disposition. The court may suspend the operating privilege of a person who is at least 16 years of age but not more than 18 years of age and a dropout. Such suspension shall terminate when the person reaches the age of 18. The court shall immediately take possession of the suspended license and forward it to the department of transportation with a notice stating the reason for and duration of the suspension.

## 11.03 ALCOHOLIC BEVERAGES

(1) ADOPTING SECTION 125.07 VIOLATIONS:

(a) Alcohol Beverage Restrictions Relating to Underage

(1) 125.07(1) (a) (1) Person to Procure/Sell/ Dispense/Give Alcohol to Underage

(2) 125.07(1) (a) (2) Licensee/Permittee to Sell/Vend/Deal Alcohol to Underage

(3) 125.07(1) (a) (3) Adult to Permit Consumption of Alcohol

(4) 125.07(1) (a) (4) Adult Intentionally Encourage/Contribute Violation

(b) Sale of Alcohol Beverage to Intoxicated Persons

(1) 125.07(2) (a) (1) Person to Procure, Sell, or Dispense Alcohol to Intoxicated Subject

(2) 125.07(2)(a)(2) Licensee/Permittee Sell, Vend, Deal Alcohol to Intoxicated Subject

(c) Presence in Places of Sale

(1) 125.07(3)(a) Underage on Premises

(d) Underage Persons: Prohibitions

(1) 125.07(4)(a)(1) Underage Procures/Attempts to Procure Alcohol

(2) 125.07(4)(a)(3) Underage Enters/Attempts on Licensed Premises

(3) 125.07(4)(a)(4) Underage Falsely Represents Age on Premises

(4) 125.07(4)(b) Underage Possess/Consume Alcohol

(2) ADOPTING SECTION 125.085(3) VIOLATIONS

(a) For Persons Who Have Attained Legal Drinking Age

(1) 125.085(3)(a)(1) Makes, Alters, Duplicates, Gives, Provides ID to Underage

(b) For Persons Who Are Under the Legal Drinking Age

(1) 125.085(3)(b)(1) Carried Another, or Altered ID Card

(2) 125.085(3)(b)(2) Makes/Alters/Duplicated ID Card

(3) 125.085(3)(b)(3) Provides False Information to Obtain ID Card

(4) 125.085(3)(b)(4) Knowingly Carries False ID Card

(5) 125.085(3)(b)(5) Provides ID to Another Underage

(3) ADOPTING SECTION 125.09(2) VIOLATIONS

(a) Possession/Consumption of Alcohol on School Grounds

(1) 125.09(2)(b) No One May Possess/Consume Alcohol on School Grounds

(2) 125.09(2)(b)(2) No One May Possess/Consume Alcohol in Motor Vehicle on School Grounds

(3) 125.09(2)(b)(3) No One May Possess/Consume Alcohol at School Activity

(4) CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC PLACES

(a) Consumption of Alcoholic Beverages in Public Places. No person shall consume any intoxicating liquor, wine or fermented malt beverage while in or upon any public street, alley, sidewalk, parking lot or other public way.

(b) Consumption of Alcoholic Beverages to be on Premises. No person who purchases wine, alcoholic or fermented malt beverages by the glass or in open containers shall consume the same other than upon the premises where served, and they shall not remove the same to thoroughfares, streets, parking lots or sidewalks in the City of Adams.

(c) Possession of Alcoholic Beverages in Public Places. No person shall be in possession of any glass or open container containing wine, alcoholic or fermented malt beverages on any thoroughfare, street, sidewalk, alley, parking lot or any other public way.

(d) Permits Issued. Fraternal and service organizations and clubs may apply for a permit to have meetings, festivals, and activities held on the public streets or in a public area so that alcoholic and fermented malt beverages may be consumed during the time permitted as designated on the permit and within the area specified in the permit.

(e) All premises licensed for the sale of fermented malt beverages, wine, or intoxicating liquor shall post a notice at each exit stating that "No beer, liquor, or wine may be carried in an open container out of this building".

#### (5) CLOSING HOURS

Adopting S. 125.68(4) Intoxicating Liquor

Adoption S. 125.32(3) Fermented Malt Beverages

#### (6) SOCIAL HOSTING: PERMITTING OR ENCOURAGING UNDERAGE VIOLATION,

(a) Definitions. For purposes of this chapter, the following terms have the following meanings:

(1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.

(2) "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer, and which contains one-half or one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

(3) "Event or gathering" means any group of three or more persons who have assembled or gathered together for a social occasion or other activity.

(4) "Host" or "Allow" means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.

(5) "Parent" means any person having legal custody of a juvenile:

As natural, adoptive parent or step-parent;

As a legal guardian; or

As a person to who legal custody has been given by order of the Court.

(6) "Residence", "premises", or "public or private property" means any home, yard, farm, field, land, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased, rented or used with or without permission or compensation.

(7) "Underage person" is any individual under twenty-one (21) years of age.

(8) “Present” means being at hand or in attendance.

(9) “In control” means having the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.

(c) Prohibited Acts. It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does consume any alcohol or alcoholic beverage; or possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s). A person is responsible for violating above if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act. A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.

D. Exceptions. This chapter does not apply to conduct solely between an underage person and his or her parents while the parent is present and in control of the underage person. This chapter does not apply to legally protected religious observances. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

E. Penalties. A person who violates any provision of this ordinance is subject to a forfeiture of not less than \$500.00 nor more than \$5,000.00 together with the costs of prosecution or penalties may follow current Wisconsin State Statute. A person who is in default of payment is subject to standard default rules and regulations.

## **11.04 PURCHASE/POSSESSION OF TOBACCO PRODUCTS PROHIBITED.**

11.04 Purchase or possession of cigarettes or tobacco products by person under 18 prohibited. Adopting S 254.92

11.04(1) No person under 18 years of age may falsely represent his or her age for the purpose of receiving any cigarette or tobacco product. Adopting S 254.92(1)

11.04(2) No person under 18 years of age may purchase or possess any cigarette or tobacco product except as follows: Adopting S 254.92(2)

11.04(2)(a) A person under 18 years of age 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. Adopting S 254.92(2)(a)

11.04(2)(b) A person under 18 years of age, but not under 15 years of age, may purchase, attempt to purchase or possess cigarettes or tobacco products in the course of his or her participation in an investigation under S. 254.916 that is conducted in accordance with S. 254.916(3). Adopting S. 254.92(2)(b)



11.04(3) A law enforcement officer shall seize any cigarette or tobacco product that has been sold to and is in possession of a person under 18 years of age. Adopting S. 254.92(3)

11.04(4) The state regulatory scheme for tobacco sales preempts municipalities from adopting regulations that are not in strict conformity with those of the state. Adopting S 254.92

11.04(5) Tobaccos on school grounds is prohibited. Adopting S. 120.12(20)

11.04(6) Smoking Prohibited. Adopting S. 101.123.

## **11.05 OFFENSES AGAINST BODILY SECURITY**

- (1) WORDS AND PHRASES DEFINED  
Adopting S 939.22
- (2) PARTIES TO CRIME  
Adopting S 939.05
- (3) BATTERY  
Adopting S 940.19(1)
- (4) ATTEMPTED BATTERY  
Adopting S 939.32
- (5) INTIMIDATION OF A WITNESS  
Adopting S 940.42
- (6) INTIMIDATION OF A VICTIM  
Adopting S 940.42

## **11.06 OFFENSES AGAINST PUBLIC HEALTH AND SAFETY**

(1) SALE OF CERTAIN WEAPONS. No person shall sell any firearm, blackjack, billy, bludgeon, crossknuckles, knuckles of any metal, bowie knife, dirk knife, dirk, dagger or switch blade knife to any minor in the City of Adams.

### **(2) POSSESSION/SALE/MANUFACTURE OF CERTAIN WEAPONS PROHIBITED**

(a) 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 Adams.

(b) For the purpose of this Section, the following definitions shall apply:

(1) "Numchuk" or "Nunchaku". An instrument consisting of two or more sticks, clubs or rods connected by a rope, cord, wire or chain.

(2) "Churkin". A round throwing knife consisting of several sharp points protruding from a rounded disc.

(3) "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.

(c) 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) Discharge of Weapons. No person shall, within the limits of the City of Adams, commit any of the following offenses, namely: discharge any pistol, gun, air rifle, air pistol, firearm or other weapon for the discharge of bullets, projectiles or pellets, whether the bullets, projectiles or pellets be propelled by an explosion of a gun powder or other explosion or by a spring, air pressure or other mechanical device or whether the bullets, projectiles or pellets be propelled in any other manner within the City limits unless granted a permit to do so by the Police Department. Permits shall be granted only to discharge any such weapons on land owned or leased by the applicant or some members of his/her family and then only when the circumstances are such that the discharge of such weapons on such land may be accomplished with safety. Permits may also be granted to persons 16 years of age or over to hunt on lands within the City limits if such persons have the consent of the owner or tenants on the property on which such hunting will be done. It is provided, however, that nothing in this Section shall be construed to prevent shooting on duly supervised rifle or pistol ranges, duly supervised shooting galleries and shooting of bows of less than 15 pounds pull, which activities are specifically hereby exempted from the restrictions of this Section.

(3) THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. It shall be unlawful for any persons to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the City of Adams, provided, however, upon written application to the Chief of Police and City Council, a person may be granted permission by the City Council to construct and maintain supervised archery ranges if, in the opinion of the City Council, the construction or maintenance of such ranges will not endanger the public health and safety.

- (a) Bow and Arrows and Crossbow Hunting. Unless prohibited hunting with a bow and arrow or crossbow. Bow and arrow or crossbow will be permitted with the following exceptions.
- (1) A person may not hunt with a bow and arrow or crossbow within 100 yards from any building used for human occupancy located on another person's land. This subsection does not apply if the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building.
  - (2) A person who hunts with a bow and arrow or crossbow is required to discharge the arrow or bolt toward the ground, such as from a tree stand.
  - (3) The hunting by bow and arrow, crossbow or firearm in any City Park, land owned or leased by the City is prohibited.

(4) NEGLIGENT OPERATION OF VEHICLE OFF HIGHWAY Adopting S 941.01

(5) NEGLIGENT HANDLING OF BURNING MATERIALS Adopting S 941.10

(6) INTERFERING WITH FIRE FIGHTING Adopting S 941.12

(7) FALSE ALARMS Adopting S 941.13

(8) NEGLIGENT USE WEAPON Adopting S 941.20(1)(a-c)

- (9) SHOOT WITHIN 100 YARDS OF DWELLING Adopting S 941.20(1)(d)
- (10) CARRYING CONCEALED WEAPON Adopting S 941.23
- (11) CARRYING FIREARM IN PUBLIC BUILDING Adopting S 941.235 except as permitted by S. 941.23
- (12) CARRYING HANDGUN WHERE ALCOHOLIC BEVERAGES ARE SOLD OR CONSUMED Except as permitted by S. 941.23
- (13) SALE OR DISTRIBUTION OF IMMITATION FIREARMS Adopting S. 941.297(2)
- (14) RESRICTIONS ON THE USE OF LASER POINTERS Adopting S. 941.299(a) - (d).
- (15) POSSESSION, DISTRIBUTION OR DELIVERY OF NITRIOUS OXIDE Adopting S. 941.315(2)(a) - (b)
- (16) FLUOROSCOPIC SHOE-FITTING MACHINES Adopting S. 941.34
- (17) EMERGENCY TELEPHONE CALLS Adopting S. 941.35
- (18) FRAUDULENT TAPPING OF ELECTRIC WIRES OR GAS OR WATER METERS OR PIPES. Adopting S. 941.36
- (19) OBSTUCTION OF RESCUE OR EMERGENCY PERSONNEL Adopting S. 941.37
- (20) CONTRIBUTING TO DELINQUENCY OF A CHILD Adopting S. 948.40
- (21) SALE OF PEPPER SPRAY Adopting S. 941.26(4)(f)-(j)
- (22) USE OF PEPPER SPRAY Adopting S. 941.26(4)(a)-(c)

## **11.07 OFFENSES AGAINST PROPERTY**

- (1) ATTEMPTED PETTY THEFT Adopting S 939.32
- (2) CRIMINAL DAMAGE TO PROPERTY Adopting S 943.01(1)
- (3) GRAFFITY Adopting S 943.017(1)
- (4) THROWS/DEPOSITS DEBRIS AT TRAIN OR ON TRACK Adopting 943.07(1)-(4)
- (5) ENTRY INTO LOCKED VEHICLE Adopting S 943.11
- (6) ENTRY INTO LOCKED COIN BOX Adopting S 943.125(1)&(2)
- (7) TRESPASS TO LAND Adopting S 943.13

- (8) TRESPASS TO DWELLING Adopting S 943.14
- (9) ENTRY ONTO CONSTRUCTION SITE OR LOCKED BUILDING Adopting S 943.15
- (10) THEFT - THEFT OF PROPERTY, UNDER \$2500.00 Adopting S 943.20(3)(a)
- (11) FRAUD ON INNKEEPER/TAXICAB OPERATOR, UNDER \$2500.00 Adopting S 943.21(3)(a)
- (12) ABSCOUNDING WITHOUT PAYING RENT Adopting S 943.215
- (13) CHEATING TOKENS Adopting S 943.22
- (14) INTENTIONAL PASSENGER IN VEHICLE DRIVEN WITHOUT OWNERS CONSENT Adopting S 943.23(4m)
- (15) INTENTIONALLY REMOVES A PART OR COMPONENT OF A VEHICLE, OTHER THAN A MAJOR PART, WITHOUT OWNER'S CONSENT Adopting S 943.23(5)
- (16) WORTHLESS CHECKS, UNDER \$2500.00 Adopting S 943.24(1)
- (17) RECEIVING STOLEN PROPERTY, UNDER \$2500.00 Adopting S 943.34(1)
- (18) ALTERATION OF PROPERTY IDENTIFICATION MARKS Adopting S 943.37
- (19) CREDITCARD CRIMES, UNDER \$2500.00 Adopting S 943.41(2) (3)(a) to (d), (4)(b)
- (20) RETAIL THEFT (SHOPLIFTING), UNDER \$2500.00 Adopting S 943.50(4)(a)
- (21) THEFT OF LIBRARY MATERIALS Adopting S 943.61
- (22) DISTURBING CEMETERY PROPERTY. No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures; nor shall any person other than the owner injure carry away or destroy any vases, flower pots, or other objects which have been placed on any cemetery lot.
- (23) ENTRY INTO UNLOCKED VEHICLE. Whoever intentionally enters the unlocked and enclosed portion or compartment of a vehicle without the owner's consent with the intent to steal.

## **11.08 OFFENSES AGAINST SEXUAL MORALITY**

- (1) FORNICATION Adopting S 944.15
- (2) SEXUAL GRATIFICATION Adopting S 944.17
- (3) LEWD AND LASCIVIOUS BEHAVIOR Adopting S 944.20

- (4) OBSCENE MATERIAL OR PERFORMANCES Adopting S 944.21(3)(a-c)
- (5) OBSCENE MATERIAL OR PERFORMANCES TO MINORS Adopting S 944.21(4)(a) or (b)
- (6) PROSTITUTION Adopting S 944.30
- (7) PATRONIZING PROSTITUTES Adopting S 944.31
- (8) PANDERING Adopting S 944.33(1)
- (9) B-GIRL SOLICITATIONS PROHIBITED Adopting S 944.36
- (10) REPRESENTATION/DEPICTING NUDITY Adopting S. 942.09
- (11) SEND OBSCENE/EXPLICIT ELECTRONIC MESSAGES Adopting S. 944.25

## **11.09 GAMBLING**

- (1) DEFINITIONS Adopting S 945.01
- (2) GAMBLING Adopting S 945.02
- (3) PERMITTING PREMISES TO BE USED FOR COMMERCIAL GAMBLING Adopting S 945.04
- (4) SETUP / USE OF MORE THAN 5(FIVE) VIDEO GAMBLING MACHINES Adopting S 945.04(lm)

## **11.10 OFFENSES AGAINST GOVERNMENT**

(1) RECEIVING GRATUITIES BY PUBLIC OFFICIALS It shall be unlawful for any public employee or public official to receive or offer to receive, either directly or indirectly, any gift, gratuity, or anything of value which he/she is not authorized to receive from any person, if such person:

- (a) Has or is seeking to obtain contractual or other business or financial relationships with such public employee's employer or the governmental body of the public official; or
- (b) Conducts operations or activities which are regulated by such public employee's employer or the governmental body of a public official, or
- (c) Has interests which may be substantially affected by such public employee's employer or the governmental body of the public official.

## **11.11 INTERFERENCE WITH LAW ENFORCEMENT**

- (1) REFUSING TO AID OFFICER Adopting S 946.40
- (2) RESISTING OR OBSTRUCTING AN OFFICER Adopting S 946.41
- (3) ESCAPE Adopting S 946.42(2)
- (4) IMPERSONATING PEACE OFFICER Adopting S 946.70(1)
- (5) TAMPERING WITH PUBLIC NOTICES Adopting S 946.72
- (6) FALSE COMPLAINTS OF POLICE MISCONDUCT Adopting S. 946.66

## **11.12 OFFENSES AGAINST PUBLIC PEACE/ORDER/OTHER INTERESTS**

### (1) DISORDERLY CONDUCT

(a) Adopting S. 947.01

(b) Disorderly conduct to police or emergency personnel. It shall be a violation of this section for any person to engage in any violent, abusive, indecent or profane behavior directed towards a police officer, fire fighter or emergency personnel.

(2) UNLAWFUL USE OF TELEPHONE Adopting S 947.012

(3) UNLAWFUL USE OF COMPUTERIZED COMMUNICATION SYSTEMS Adopting S 947.0125

(4) HARASSMENT Adopting 947.013

(5) VAGRANCY Adopting S 947.02

(6) LITTERING. It shall be unlawful for any person, firm, or corporation, in person, or by its agents, employee or servant, to cast, throw or deposit in any manner upon any public way, street, sidewalk, boulevard, parking lot, alley, building or other public place in the City or any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the City, any kind of dirt, rubbish, waste, articles, thing or substance whatsoever, whether liquid or solid. Nor shall any person, firm or corporation, cast, throw, sweep, or sift or deposit any of the aforementioned items anywhere within the jurisdiction of the City in such a manner that it may be carried or deposited in whole or in part, by the action of the sun, wind, rain, or snow, into any of the aforementioned places. Provided that this Section shall not apply to the deposit of material under a permit authorized by any ordinance of the City; or to leaves during leaf pick-up period or to goods, wares of merchandise deposited upon any public way or any other public place temporarily, in the necessary course of trade and remove therefrom within two (2) hours after being so deposited; or to articles or things deposited in or conducted into the City sewer system through lawful drainage in accordance with the ordinances of the City relating thereto.

(7) LOITERING PROHIBITED

(a) 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/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify him-or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the police officer at the time, will have dispelled the alarm.

(b) No person shall engage in the following activities:

- (1) After due warning, unreasonably hinder or obstruct the free passage of pedestrians or vehicular traffic;
- (2) Engage in conduct which creates a danger or breach of peace;
- (3) Engage in conduct which disturbs the comfort and repose of persons acting lawfully; or,
- (4) Engage in conduct causing obstruction, molestation, or interference with persons so as to cause them to fear for their safety.

(8) LOITERING ON SCHOOL GROUNDS

(a) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present or loiter in any school building or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof.

(b) This Ordinance shall not apply to students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other persons in charge thereof, to leave the school grounds nor shall it apply to parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.

(c) As used in this Ordinance, the term "loiter" means to stay aimlessly and idly in a public school building or on public school grounds without proper permission; or to be present in the public school building or on public school grounds for some illegal purpose.

Any person under the age of 18 years old who shall violate the provisions of Subsection (a) hereof may be referred to the proper juvenile authorities as provided in Chapter 48 of the Wisconsin State Statutes, and in the case of repeated violations by the same person, both the person and the parents or legal guardian of such person shall be referred to the juvenile authorities.

(d) Any person age 18 or older who shall violate Subsection (a) hereof shall upon conviction thereof pay a forfeiture of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), together with the costs of prosecution, and in the event of failure to pay such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs are paid but not to exceed thirty (30) days.

(9) OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED

(a) Obstructing Streets. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the City in such a manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.

(b) Blocking Sidewalk Prohibited. No person shall block any sidewalk 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) Free Speech. This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech, provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

(d) 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) Block. 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 walk.

(2) 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, offices, building sites or any other private property.

(10) SOLICITING ON STREETS AND SIDEWALKS

(a) Soliciting Prohibited. No person shall solicit tourists, travelers or other persons to patronize or to do business with any boat owners and operators, hotel, rooming house, restaurant, resort or other place for the entertainment of tourists and travelers, upon any of the highways, sidewalks and other public places within the City of Adams.

No person shall solicit tourists, travelers or other persons to patronize or to do business with any hotel, rooming house, restaurants, resort or other place for the entertainment of tourists and travelers by calling, whistling, signaling, waving, diverting or in any other manner vexing, annoying or disturbing pedestrians or passengers of vehicles.

This Section shall apply to sales of all types of merchandise and service and hereafter no one shall solicit the sale of any services or merchandise upon the streets of the City of Adams.

(b) Separate Offenses. Each and every act of soliciting prohibited under Section 18.14(9)(a) of this Code shall constitute a separate and distinct violation of this Code.

(c) Soliciting Defined. Soliciting within the meaning of this Section shall be defined as any loitering, lingering or loafing upon the streets for the purpose of attracting the attention of tourists and others who are thereby induced to purchase tickets or rides on boats or to engage



accommodations at hotels, rooming houses or resorts. Anyone who shall then linger and loiter upon the streets and as a result of such loitering shall have sold boat rides, boat tickets or accommodations for hotels, resorts or rooming houses shall be guilty of a violation of this Section. This Section is for the purpose of protecting the public from the inconvenience, harm and menace of solicitors and is not to be construed as an abrogation of any individual's right to transact legitimate business; such Section is to prevent any one group of business people from using the streets as business places from which to transact their private business, which constitutes annoyance, hazard and inconvenience to the public and a commercial detriment to the City.

(d) Penalties. Any person who shall violate any of the provisions of Section 18.14(9) of this code shall, upon conviction, forfeit not less than \$5.00 nor more than \$50.00 together with the costs of prosecution, and in the event of failure to pay such forfeiture, shall be imprisoned in the county jail, not to exceed 60 days.

(11) USE OF MOTOR VEHICLES TO DISTURB PEACE. No person may, on public or private property, operate a motor vehicle in a disorderly manner. The conduct prohibited by this provision includes, but is not limited to, the following: deliberate or intentional spinning of wheels; causing a vehicle, while commencing to move or in motion, to have one or more wheels off the ground; operation in a manner that would tend to cause a disturbance; negligent operation; operation that endangers or damages property; operation that endangers or injures the health or safety of a person; operation that causes annoying or disturbing dust, noise, smoke, odor, or gas; and reckless operation.

(12) BURNING OF MATERIALS. No materials shall be burned in the open in the City of Adams, except that the burning of leaves, brush, weeds and other organic material shall be allowed, provided that only leaves, brush or other organic material grown on the owner's lot may be burned and only if the burning is done on the owner's property and not on any part of City property and not upon black top roads.

(13) ABANDONED REFRIGERATORS PROHIBITED. No person shall leave or permit to remain outside of the dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his/her 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/her agent and is securely locked or fastened

(a) Any person who violates this ordinance shall, upon conviction thereof, forfeit no less than \$50.00 nor more than \$200.00 together with the costs of prosecution, and, in the event of failure to pay said forfeiture and costs, shall be imprisoned in the county jail, not to exceed ninety (90) days.

(14) IMITATION AND FACSIMILE FIREARMS. The provisions of Wis. Stat. secs. 941.2965 and 941.297 and 15 USC sec. 5001 are adopted by reference.

(15) DEFECATING OR URINATING IN PUBLIC AREAS It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street alley, public

parking lot, park, playground, cemetery or other public area with the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators or public or commercial buildings, or to indecently expose his person.

(16) ESTABLISHING/CROSS POLICE LINES

(a) Definition. A "Police line" is defined as the boundary of an area which has been temporarily isolated or set apart by tape, ropes, barricades or other methods by the police in pursuance of official duties, and which boundary or line is plainly marked.

(b) A law enforcement, public safety, fire or emergency management officer may establish a police line when it is necessary to protect an area or restrict public access to an area. The location and duration of the police line shall be reasonably related to its intended purpose and shall be identified in a manner which gives reasonable notice of its presence.

No person may cross a police line without permission of the authority which established the line.

## 11.13 OFFENSES AGAINST ANIMALS

(1) DEFINITIONS AND CONSTRUCTION & APPLICATION Adopting S 951.01 & 951.015

(2) MISTREATING ANIMALS Adopting S 951.02

(3) DOGNAPPING OR CATNAPPING Adopting S 951.03

(4) LEADING ANIMALS FROM MOTOR VEHICLE Adopting S 951.04

(5) TRANSPORTATION OF ANIMALS IN CRUEL MANNER Adopting S 951.05

(6) USE OF POISONOUS OR CONTROLLED SUBSTANCES ON ANIMALS Adopting S 951.06

(7) USE OF CERTAIN DEVICES ON ANIMALS Adopting S 951.07

(8) INSTIGATING FIGHTS BETWEEN ANIMALS Adopting S 951.08

(9) SHOOTING AT CAGES/STAKED ANIMALS Adopting S 951.09

(10) HARASSMENT OF POLICE AND FIRE ANIMALS Adopting S 951.095

(11) SALE OF BABY RABBITS, CHICKS AND OTHER FOWL Adopting S 951.10

(12) SALE/DISPLAY COLORED ANIMALS Adopting S 951.11

(13) FAILURE TO PROVIDE PROPER FOOD/DRINK TO CONFINED ANIMALS  
Adopting S 951.13

(14) FAILURE TO PROVIDE SHELTER Adopting S 951.14

(15) ANIMALS: NEGLECTED OR ABANDONED Adopting S 951.15

## 11.14 CONTROLLED SUBSTANCES

- (1) Uniform Controlled Substance, Definitions Adopting 961.01
- (2) Possess or attempt to possess any other non-narcotic controlled substance/controlled substance analog not listed below Adopting S 961.41(3g)(b)
- (3) Possession/Use Marijuana Adopting S 961.41(3g)(e)
- (4) Possession/Use Cocaine Adopting S 961.41(3g)(c)
- (5) Possession/Use LSD/Hallucinogen Adopting S 961.41(3g)(d)
- (6) Possession/Use of Drug Paraphernalia Adopting S 961.573(1) & (2)
- (7) Manufacture/delivery of drug paraphernalia Adopting S 961.574(1) & (2)
- (8) Delivery of drug paraphernalia to a minor Adopting S 961.575(1) & (2)
- (9) Advertisement of drug paraphernalia Adopting S 961.576
- (10) Synthetic Cannabinoid Prohibited Adopting S 961.14(4)(tb) to (ty)
- (11) It shall be unlawful for any person to possess, use, sell, manufacture, purchase, attempt to purchase, publicly display for sale, and/or attempt to sell, give or barter the following:
  - (a) Mephedrone, also known as 4-methylmethcathinone, (RS) - 2 - methylamino-1- (4-methylphenyl) propan -1-one.
  - (b) Methylene - dioxypyrovalerone (MDPV) (1- 1,3 - Benzodioxol -5-yl) -2-(1-pyrrolidinyl) -1-pentanone.
  - (c) Salvia Divinorum
  - (d) Salvinorin A.
  - (e) Any substance, compound, mixture or preparation which contains any quantity of any synthetic cannabinoid that is not approved as a pharmaceutical, and sold as an incense or aromatics, and which are typically used for human consumption, and typically labeled not intended for human consumption.

## 11.15 CURFEW FOR JUVENILES

- (1) Prohibited Hours. No person under the age of eighteen (18) years shall be or remain in or upon any of the public streets, alleys, or public places of the City between the hours of 11:00 o'clock

until 5:00 o'clock A.M. the following day, unless such person is accompanied by his/her parent, guardian or individual having custody of such person.

(2) Travel to and from Work. This Section shall not apply to any person Under the age of eighteen (18) years of age who is required to use the streets, alleys, or public places of the City during the hours named for the purposes of going to or returning from his/her place of employment, but no more than reasonable time shall be allowed for going to and returning from such employment.

(3) Defenses. It is a defense to prosecution under this Section that the minor was:

(a) accompanied by the minor's parent or guardian;

(b) on an errand at the direction of the minor's parent or guardian, without any detour or stop;

(c) in a motor vehicle involved in interstate travel;

(d) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(e) involved in an emergency;

(f) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence; attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Adams, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Adams, a civic organization, or another similar entity that takes responsibility for the minor; and,

(g) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

(4) Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response or other circumstances, no defense in Subsection (3) is present.

(5) Juvenile to be Returned Home on First Offense. Upon first violation of this Ordinance by any person under the age of eighteen (18) years who is found in the streets, alleys, or public places in the City, such person may be taken into custody by any police officer of the City and forthwith taken to his/her home. If the juvenile is not a resident of the City of Adams, the police department shall instruct the person to return to his/her home wherever located. It shall be the duty of the police department to cause such a record of such offense to be recorded at the department, and to notify the parent, guardian, or individual having custody of the person violating the Ordinance of this violation. Notice may be made either in person, by telephone or by letter.

(6) Applicability of Chapter 48, Wisconsin Statutes. Any person under the age of eighteen (18) years who has been once taken into custody and returned to his/her home under the provisions of this preceding Subsection and thereafter violates the provisions of this Section shall be subject to referral to Juvenile Court Intake under Chapter 48 of the Wisconsin Statutes.

(7) Special Penalty Section.

(a) It shall be unlawful for any person under the age of eighteen (18) years to violate the provisions of this Section 11.17. Upon the second offense of this Section by such person, in addition to the provisions of Subsection (6) of this Section 11.17, such person shall forfeit and pay not less than \$5.00 nor more than \$50.00 for each offense, together with the cost of prosecution.

(b) It shall be unlawful for any parent, guardian or other individual having custody of any person under the age of eighteen (18) years, to allow or permit such person to violate the provisions of this Section. Upon the second offense of this Section by a person under the age of eighteen (18) years, the parent, guardian, or other individual having custody shall be in violation of this Section 11.17(7) of the Code and shall forfeit and pay not less than \$5.00 nor more than \$50.00 for each offense, together with the cost of prosecution, and in lieu of payment thereof shall be confined to the county jail not to exceed five (5) days.

## **11.16 Public Nuisances Affecting Peace and Quiet.**

(1) The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and quiet, but such enumeration shall not be construed to exclude other nuisances affecting public peace and quiet coming within the provisions of this subsection:

(a) The making or assisting in making any noise which shall unreasonably disturb the peace and quiet of persons located 100 or more feet from the point of origin of that noise unless the making and continuing of the same cannot be prevented and is necessary for the protection and preservation of property or of the health, safety, life or limb of some person.

(b) Causing, suffering or allowing any loud, excessive or unusual noise in the operation or use of any radio, phonograph or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise shall disturb the comfort, quiet or repose of persons therein or in the vicinity.

(c) The operating or causing to be used or operated in or upon any public street, or from any aircraft, any device, apparatus or instrument for the amplification of human voice or any sound or noise, or other sound making or reproducing device. It is provided, however, that such restrictions shall not apply to churches broadcasting or reproducing music by sound reproducing devices on Sundays or religious holidays, or to the reproduction of sounds of any nature produced incidental to the operation of any governmental function or to the production of sounds of any nature produced incidental to the operation of any authorized emergency vehicle or to the use of sound producing equipment authorized pursuant to Wisconsin Statutes or to the use of sound producing equipment used incidental to any street use or parade permit. The City Clerk may issue permits to individuals wishing to broadcast music between December 1 and December 25, which permit shall authorize the permittee to broadcast music under the restrictions, and in the times and manners authorized by said permit. No person, firm

or corporation shall make or cause to be made for the purpose of advertising or announcing his vocation or presence, or in connection with the buying or selling of any goods, wares, merchandise, services or anything whatsoever, or with the carrying on of any trade, occupation, vocation or profit making activity, an immediate or excessive use of the voice, or of any bell, gong, horn, instrument, article or device. The violation of this section in connection with any license or permit shall be cause for the revocation thereof.

(d) The operating, having charge of, or occupying any building or premises upon which is kept or allowed to be kept any animal or bird which habitually by any noise disturbs the peace and quiet of any person in the vicinity thereof.

(e) The parking or leaving standing for more than 15 minutes within the limits of the City of Adams a vehicle containing livestock, live fowl or other living animals excepting exhibits authorized by permit issued by the City Clerk-Treasurer.

(f) For outdoor entertainment, which includes but is not limited to live music, disc jockeys, and karaoke machines, located in Business Districts, a written request outlining the date, time, location and type of entertainment must be submitted to the Chief of Police for prior approval. If approved, the Police Department reserves the right regulate the loudness should circumstances warrant it. This section excludes events already approved under a Special Events Permit.

## **11.17 PENALTIES**

Penalties. Any person, partnership or corporation who violates any provisions of this ordinance shall be subject to forfeiture as set forth in Municipal Code as adopted by Resolution of the Common Council and kept on file at the City Clerk's Office.