

CHAPTER 12
ORDERLY CONDUCT

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12.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE. The following statutes following the prefix 12 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 municipality provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under sec. 25.04 of this Code.

12.48.983	Purchase or Possession of Tobacco Products Prohibited
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12.940.34	Duty to Aid Endangered Crime Victims
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12.941.23	Carrying Concealed Weapon
12.941.24	Possession of Switch Blade Knife
12.941.37	Obstructing Emergency Vehicles Prohibited
12.943.01(1)	Criminal Damage to Property
12.943.06	Molotov Cocktails
12.943.13	Criminal Trespass to Land
12.943.14	Criminal Trespass to Dwellings
12.943.20	Theft
12.943.24	Issue of Worthless Check (less than \$1,000)
12.943.50	Shoplifting
12.944.20	Lewd and Lascivious Behavior
12.944.21	Lewd, Obscene or Indecent Matter, Pictures and Performances
12.944.23	Making Lewd, Obscene or Indecent Drawings
12.944.30	Prostitution
12.944.31	Patronizing Prostitutes
12.944.33	Pandering
12.944.34	Keeping Place of Prostitution
12.945.01	Definitions Relating to Gambling
12.945.02	Gambling
12.945.03	Commercial Gambling
12.945.04	Permitting Premises to be Used for Commercial Gambling
12.946.40	Refusing to Aid Officer
12.946.41	Resisting or Obstructing Officer
12.946.42	Escape
12.946.44	Assisting or Permitting Escape
12.946.65	Obstructing Justice

12.946.70	Personating Peace Officer
12.946.72	Tampering With Public Records and Notices
12.947.01	Disorderly Conduct
12.947.013	Harassment Prohibited
12.947.015	Bomb Scares
12.947.06	Unlawful Assemblies and Their Suppression
12.947.08	Crime Comics
12.948.02	Mistreating Animals

12.02 USE OF FIREARMS. No person except an authorized police officer shall discharge any firearm within the City.

12.03 POSSESSION OF FIREARMS. (1) DEFINITIONS. For the purpose of the section:

(a) Firearm. Any weapon from which a shot may be fired by the force of an explosive or propellant.

(b) Public building. Any building, including the grounds thereof, owned by the City, Lafayette County or the Darlington School District.

(c) Public land. Any land owned by the City, Lafayette County or the Darlington School District.

(d) Public place. Any privately owned building which is open to the public.

(2) POSSESSION OF FIREARMS PROHIBITED. In addition to the provisions of sec. 12.02, no person except duly authorized city, village, county, state or federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building or on public land within the City. No person shall possess a firearm while in any public place within the City unless written consent to so possess a firearm has been given by the owner or lessee of such public place.

(3) ENFORCEMENT. A police officer finding a person possessing a firearm in violation of this section shall immediately take possession of such firearm and retain it as evidence.

12.04 THROWING OR SHOOTING OF ARROWS, STONES AND OTHER MISSILES PROHIBITED. No person shall throw or shoot any object, arrow, stone, snowball or other missile or projectile, by hand or

by any other means at any person or at, in or into any building, street, sidewalk, alley, highway, park, playground, vehicle or other public place within the City.

12.05 MARIJUANA, POSSESSION AND USE PROHIBITED. (1) DEFINITION.

"Marijuana" means all parts of the plant cannabis sativa L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin.

(2) POSSESSION, DELIVERY AND USE PROHIBITED. It shall be unlawful for any person to possess, deliver, sell or use marijuana or a marijuana derivative. This section shall include, but not be limited to, those persons who possess, deliver, sell or use marijuana or a marijuana derivative in any amount and includes those persons who are charged under this section for a first offense.

(3) EXCEPTION. This section shall not apply to a person who has obtained or possesses marijuana directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice. However, the burden of proof to prove such exception shall be on the person claiming it.

(4) POSSESSION, USE AND SALE OF SYNTHETIC MARIJUANA PROHIBITED. (Ord. #04-2011) It shall be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale, or attempt to sell, give, and/or barter; produce, manufacture, or dispense; and/or distribute, or agree, consent, offer, or arrange to distribute; and/or possess with the intent to distribute any one or more of the following synthetic cannabinoids and/or chemicals, whether under the common street or trade names of "Spice", K2, "Genie", "Yucatan Fire", "fake" or "new" marijuana, or by any other name, label, or description:

(a) Salviadinorum or salvinorum A; all parts of the plant presently classified botanically as salvia divinorum, whether growing or not, the seeds thereof; any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;

(b) (6aR,10aR)-9-(hydroxymethyl)-6, 6dimethyl-3-(2 methyloctan-2-yl)-6a, 7, 10, 10a- 1R, 3s)-3-3tetrahydrobenzo[c]chromen-1-ol some trade or other names: HU210; (hydroxycyclohexy);

(c) 1-Pentyl-3-(1-naphthoyl) indole-some trade or other names: JWH-018\spice;

(d) 1-Butyl-3-(1-naphthoyl) indole-some trade or other names: JWH-073;

(e) 1-(3{trifluoromethylphenyl}) piperazine-some trade or other names: TFMPP;

(f) 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200);

(g) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (CP-47,497);

(h) 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (cannabicyclohexanol; CP-47,497 c8 homologues).

(i) Synthetic equivalents of the substances contained in the plant Cannabis, and/or in the resinous extractives of Cannabis and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity, and/or any substance which claims such properties even if in actuality they do not;

(j) Compounds of these structures, regardless of numerical designation of atomic positions are similarly prohibited, since nomenclature of these substances is not internationally standardized;

(k) And/or any similar structural analogs such as, including, but not limited to the synthetic cannabinoids that fall into and/or are part of one or more of the following structural groups:

1. Naphthoylindoles (e.g. JWH-018, JWH-073 and JWH-398).
2. Naphthylmethyloindoles.
3. Naphthoylpyrroles.
4. Naphthylmethyloindenes.
5. Penylacetylindoles (i.e. benzoylindoles, e.g. JWH-250).
6. Cyclohexylphenols (e.g. CP 47,497 and Homologues of CP 47,407).
7. Classical Cannabinoids (e.g. HU-210).
7. Classical cannabinoids (e.g. HU-210).

12.055 DRUG PARAPHERNALIA. (Ord. #06-2006) (1) DEFINITION. "Drug Paraphernalia" has the definition contained in Wis. Stats. §961.571 or any subsequent amendment thereto.

(2) POSSESSION, DELIVERY AND USE PROHIBITED. No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog as defined in Wisc. Stats. §961.01(1).

(3) Any person who violates this ordinance may be fined not more than \$500.

(4) Any person who violates this ordinance who is under 17 years of age is subject to a disposition under Wis. Stats. §938.344(2e).

12.06 TRESPASS. It shall be unlawful for any person who enters upon the property of another to refuse to leave said property when requested to do so by the owner, or a person in charge on behalf of the owner, of said property. This offense shall include, but not be limited to, entry by persons upon the premises of any mercantile establishment, otherwise open to the public, where such person is requested to leave by the owner or a person in charge of such establishment.

12.07 OFFENSES UPON SCHOOL PROPERTY. (1) It shall be unlawful for any person coming upon school property to refuse to leave the school property upon request by the school principal or a person acting under the direction of the school principal. A violation of this section shall be considered a trespass.

(2) It shall be unlawful for any person to bring, or cause to be brought, upon school property, any intoxicating liquor, fermented malt beverage, or controlled substance as defined in Ch. 161, Wis. Stats.

(3) (Ord. #04-2011) It shall be unlawful for any visitor to enter a school building without checking in at the school's main office during office hours.

(4) (Ord. #04-2011) It shall be unlawful for a student suspended or expelled from school and informed not to return to school to enter any school building without permission from the supervising principal.

12.075 HABITUAL TRUANCY, SCHOOL DROPOUT AND CONTRIBUTING TO TRUANCY PROHIBITED (Ord.#02-2001). (1) DEFINITIONS. In this Section:

(a) Dropout. A child who has 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 Sec. 118.15(1)(b) to (d) or (3), Wis. Stats.

(b) Habitual Truant. A pupil who is absent from school without an acceptable excuse under Secs. 118.15 and 118.16(4), Wis. Stats., for part or all of 5 or more days on which school is held during a school semester.

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

(2) Truant Dispositions. No person under 18 years of age shall be a truant. Upon conviction there the following dispositions are available to court:

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

(b) A forfeiture of not more than \$50 plus costs for a first violation, or a forfeiture of not more than \$100 plus costs for any second or subsequent violation committed within 12 months of a previous violation, subject to Sec. 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture of no more than \$500 for all violations

committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.

(3) Habitual Truant Dispositions. No child shall be a habitual truant. Upon conviction thereof, the following dispositions are available to the court:

(a) Suspension of the child's operating privilege for not less than thirty (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.

(b) An order for the child to participate in counseling or a supervised work program or other community service as described in Sec. 938.34(59), Wis. Stats. The cost of any such counseling, supervised work program or community service work may be assessed against the person, the parents, or guardian of the person, or both.

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

(d) An order for the child to attend an educational program as described in Sec. 938.34(7d), Wis. Stats.

(e) An order for the person to be placed in a teen court program described in Sec. 938.342 (lg)(f), Wis. Stats.

(4) Dropout. No child who is at least sixteen (16) years of age but less than eighteen (18) years of age shall be a dropout. Upon conviction thereof the court may suspend the child's operating privilege until the child reaches the age of eighteen (18). 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.

(5) Contributing to Truancy.

(a) 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 in hours, religious holidays accepted, 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, except as provided under the provisions of 118.15(1)(b) to (d) and 118.15(4) of the Wisconsin Statutes as from time to time amended.

(b) Except as provided in Section (b)(1), no person seventeen (17) years of age or older who, by any act or omission, knowingly encourages or contributes to truancy, as defined in 118.16(1)(c), Wis. Stats., of a person under age eighteen (18).

1. Section (2) does not apply to a person who has under his or her control a child who has been sanctioned under Section 49.26(1)(h).
2. 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 truant.

(c) Any person who shall violate sub(a) or (b) above shall pay a forfeiture of not less than \$100 nor more than \$500.00 together with costs of the prosecution for each offense.

12.08 BURNING OF GRASS AND TRASH RESTRICTED. (1) GRASS FIRES REGULATED. No person shall kindle any grass fire within the City without first securing permission from the Fire Chief.

(2) TRASH BURNING RESTRICTED. No person shall kindle or cause to be kindled any fire in or upon any street, alley, public way, park or any public or private ground within the City within 50 feet of any building or within any fire lane unless the same be confined within a wire refuse burner, basket or metal enclosure with a cover attached to prevent escape of sparks and burning material. (Am Ord. 06-2014)

12.09 DEPOSIT OF NON-CITY GARBAGE RESTRICTED. (1) DEFINITIONS. For the purposes of this section, the terms used shall be defined as follows:

(a) Garbage. Any kitchen waste, refuse, rubbish, trash or any other discarded material.

(b) Deposit. To throw down, place, bury, leave, put or dispose of.

(c) Transport. To carry or convey from one place to another.

(2) DEPOSITING OF NON-CITY GARBAGE PROHIBITED. (a) It shall be unlawful for any person to deposit any garbage accumulated outside the City in or upon any public or private place, including trash receptacles, within the City.

(b) It shall be unlawful for any person to transport any garbage accumulated outside of the City into the City for the purpose of depositing the garbage in or upon any public or private place, including trash receptacles, within the City.

(c) It shall be unlawful for any person who resides within the City to allow any person to deposit any garbage accumulated outside of the City on or adjacent to his residence for the purpose of garbage collection.

(3) EXCEPTION. This section shall not apply to any person who is transporting garbage through the City to a properly licensed transfer station or sanitary landfill site.

(4) PENALTY. Any person violating any provision of this section shall, upon conviction thereof, be subject to a forfeiture of not more than \$200 for each such offense.

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

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

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

(4) USER'S PERMIT. As provided in §167.10(3), Wis. Stats., fireworks user's permits may be issued by the Mayor, or other City official designated by the Mayor. The official issuing the permit shall require

a certificate of liability insurance, or similar proof of coverage, in an amount he deems necessary. A copy of the permit and proof of insurance shall be filed with the Clerk-Treasurer, and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use.

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

12.11 DISORDERLY CONDUCT PROHIBITED. No person shall, within the City:

(1) In any public or private place engage in violent, 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 disturb or annoy any other person or persons.

(2) Intentionally cause, provoke or engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.

12.12 OBSTRUCTING STREETS AND SIDEWALKS PROHIBITED. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such 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.

12.13 LOUD AND UNNECESSARY NOISE PROHIBITED. No person shall make or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley or park or any private residence.

12.14 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 actor takes flight upon the appearance of a police or peace officer, refuses to identify himself under the circumstances which leads the officer to believe a crime has been or will be committed, or manifestly endeavors to conceal himself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police or peace 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 to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this section if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true, and if believed by the police or peace officer at the time, would have dispelled the alarm.

12.15 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 within the City or upon the surface of any body of water within the City.

12.16 STORAGE OF JUNK, ETC., REGULATED. No person shall store junked or discarded property, including automobiles, automobile parts, trailers or trailer parts, trucks, tractors, refrigerators, furnaces, washing machines, stoves, machinery or machinery parts, wood, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood except in an enclosure which houses such property from public view, or upon license issued by the Council. The Building Inspector may require, by written order, any premises violating this section to be put in compliance within the time specified in such order, and if the order is not complied with, may have the premises put in compliance and the cost thereof assessed as a special tax against the property.

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

12.18 OPEN CISTERNS, WELLS, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED. No person shall have or permit on any premises owned or occupied by him any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings.

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

12.20 DESTRUCTION OF PROPERTY PROHIBITED. No person shall willfully injure or intentionally deface, destroy or unlawfully remove, take or meddle with any property of any kind or nature belonging to the City or its departments or to any private person without the consent of the owner or proper authority.

12.21 UNIFORM CITATION METHOD ADOPTED. (1) CREATION. Pursuant to §66.119, Wis. Stats., the City hereby elects to use the citation method of enforcement of ordinances, including those for which a statutory counterpart exists.

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

- (a) The name and address of the alleged violator.
- (b) Factual allegations describing the alleged violation.
- (c) The time and place of the offense.
- (d) The section of the ordinance or Municipal Code violated.
- (e) A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- (f) The time at which the alleged violator may appear in court.
- (g) A statement which, in essence, informs the alleged violator, as follows:

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

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

3. If a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have tendered a plea of no contest and submitted to a forfeiture and a penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §53.46, Wis. Stats., and the automation fee imposed by §814.635, Wis. Stats., not to exceed the amount of the deposit or, if the court does not accept the plea of no contest, summons will be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and the penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §53.46, Wis. Stats., and the automation fee imposed by §814.635, Wis. Stats.

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

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

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

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

(c) The penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §53.46, Wis. Stats., and the automation fee imposed by §814.635, Wis. Stats., shall be added to all forfeitures hereunder, except where said forfeitures are derived from citations issued for violations of ordinances for which State law controls or for ordinances involving nonmoving traffic violations. Said assessments shall be in an amount determined after deducting the court costs.

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(d) The deposit, including costs, pertaining to any minor receiving a citation under this section shall in no event exceed the maximum penalties provided in Ch. 48, Wis. Stats., plus the penalty assessment imposed by §165.87, Wis. Stats., the jail assessment imposed by §53.46, Wis. Stats., and the automation fee imposed by §814.635, Wis. Stats., except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.

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

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

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

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

12.22 USE OF FALSE IDENTIFICATION (Ord. #04-2011). (1) Whoever, for any of the following purposes, intentionally uses, attempts to use, or possesses with intent to use any falsely made writing or object to so that it purports to have been made by another, or at another time, or with different provisions, or by authority of one who did not give such authority is guilty of this offense:

- (a) To obtain credit, money, goods, services, employment, or any other thing of value or benefit.
- (b) To avoid civil or criminal process or penalty.
- (c) To harm the reputation, property, person or estate of another.

12.25 PENALTIES. Any person who shall violate any provision of this chapter shall, upon conviction thereof, be punished as follows:

(1) He shall be subject to a penalty as provided in sec. 25.04 of this Code.

(2) In addition to any penalty imposed for violation of sec. 12.20, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates sec. 12.20 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with §895.035, Wis. Stats.