

CHAPTER 9

ORDERLY CONDUCT

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

9.134.66	Restrictions on the Sale or Gift of Cigarettes or Tobacco Products
9.254.92	Purchase or Possession of Cigarettes or Tobacco Products by Persons Under 18 Prohibited
9.30.16	Removal of Obstruction to Navigation
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9.939.22(21)(mg)	Criminal Damage, or Threat to Damage, Property of a Witness
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9.941.22	Possession of Pistol by Minor
9.941.23	Carrying Concealed Weapon
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9.941.35	Emergency Telephone Calls
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9.942.08	Installing Surveillance Devices for Purposes of Observing Nude Person Without Consent
9.943.01(1)	Criminal Damage to Property
9.943.017	Graffiti Prohibited
9.943.06	Molotov Cocktails
9.943.11	Entry Into Locked Vehicle
9.943.125	Entry Into Locked Coin Box
9.943.13	Criminal Trespass to Land
9.943.14	Criminal Trespass to Dwellings
9.943.15	Entry Onto a Construction Site
9.943.20	Theft
9.943.201	Misappropriation of Personal Identifying Information or Documents
9.943.22	Use of Cheating Tokens
9.943.24	Issue of Worthless Checks
9.943.34(1)	Receiving Stolen Property
9.943.35	Receiving Property From Children
9.943.37	Alteration of Property Identification Marks
9.943.50	Shoplifting
9.944.20	Lewd and Lascivious Behavior
9.944.23	Making Lewd, Obscene or Indecent Drawings
9.944.30	Prostitution
9.944.31	Patronizing Prostitutes
9.944.33	Pandering
9.944.34	Keeping Place of Prostitution

9.944.36	Solicitation of Drinks
9.945.02	Gambling
9.945.03	Commercial Gambling
9.945.04	Permitting Premises to be Used For Commercial Gambling
9.946.40	Refusing to Aid Officer
9.946.41	Resisting or Obstructing Officer
9.946.415	Failure to Comply With Officers Attempt to Take Person Into Custody
9.946.42	Escape
9.946.44	Assisting or Permitting Escape
9.946.65	Obstructing Justice
9.946.66	False Complaints of Police Misconduct
9.946.70	Personating Peace Officer
9.946.72	Tampering With Public Records and Notices
9.947.01	Disorderly Conduct
9.947.013	Harassment Prohibited
9.947.015	Bomb Scares
9.947.045	Drinking in Motor Vehicle
9.947.047	Littering Shores
9.947.06	Unlawful Assemblies
9.947.15	Contributing to the Neglect of a Minor
9.948.015-.62	Crimes Against Children
9.948.11	Exposing a Child to Harmful Material, Descriptions or Narrations
9.051.01-.16	Crimes Against Animals
9.961.38(5)	Prescriptions
9.961.41	Prohibited Acts A - Penalties
9.961.42	Prohibited Acts B - Penalties
9.961.43	Prohibited Acts C - Penalties
9.961.435	Specific Penalty
9.961.455	Using a Child For Illegal Drug Distribution or Manufacturing Purposes
9.961.46	Distribution to Persons Under Age 18
9.961.465	Distribution to Prisoners
9.961.48	Second or Subsequent Offenses
9.961.49	Distribution of or Possession With Intent to Deliver a Controlled Substance on or Near Certain Places
9.961.492	Distribution or Possession With Intent to Deliver Certain Controlled Substances on Public Transit Vehicles
9.961.495	Possession or Attempted Possession of a Controlled Substance on or Near Certain Places
9.961.50	Suspension or Revocation of Operating Privilege
9.961.53	Violations Constituting Public Nuisance
9.961.55	Forfeitures
9.961.573	Possession of Drug Paraphernalia
9.961.574	Manufacture or Delivery of Drug Paraphernalia
9.961.575	Delivery of Drug Paraphernalia to a Minor
9.961.576	Advertisement of Drug Paraphernalia

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

- (a) Firearm. Any weapon which acts by force of gunpowder.

- (b) Other Dangerous Weapon. Includes bow and arrow, crossbow, sling shot, blow gun, air guns and BB guns, and other similar weapons.
 - (c) Public Building. Any building owned by the City, the County or the School District.
- (2) **POSSESSION OF FIREARMS IN PUBLIC PLACE PROHIBITED.** In addition to the provisions of sub. (3) below, no person except duly authorized city, village, county state or Federal law enforcement officers specifically authorized by law to carry firearms, shall possess a firearm while in any public building, as defined in sub. (1)(c) above, within the City as provided in §941.235, Wis. Stats., within any school zone as provided in §948.605, Wis. Stats., or goes armed with a handgun into a tavern, as provided in §941.237, Wis. Stats.
- (3) **USE OF FIREARMS.** (a) Regulated. No person except an authorized police officer shall discharge any firearm within the City.
- (b) Exceptions. Paragraph (a) above does not apply to the following:
1. The discharge of a firearm within the City if such discharge occurs inside a building or facility constructed for such purpose, and where such discharge is by a person directly engaged in the evaluation or testing of products or materials manufactured on the same premises.
 2. A person who owns or operates a facility for the evaluation or testing of products produced on that premises by way of firearms shall be entitled to the same protections regarding noise, nuisance and disorderly conduct as provided in §895.527, Wis. Stats.
 3. This paragraph shall supercede any provisions to the contrary contained in sub. (4) below, sec. 9.03 of this chapter or sec. 10.05 of this Code.
- (4) **USE OF OTHER DANGEROUS WEAPONS REGULATED.** No person shall shoot or discharge any other dangerous weapon anywhere in the City, except allowing for the hunting of deer when it has been determined by the Council that such hunting is necessary for proper game management or to protect persons, parks or other property and would not pose a threat to health and safety in the area where such hunting shall take place. Such hunting may only take place at such time, place and manner as the Council may direct.

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

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

- (2) **EXCEPTIONS.** This section shall not apply to a person who possesses more than 25 grams of marijuana or to a person who is charged with possession of any

amount of marijuana following a conviction for possession of marijuana in this State.

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

9.05 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. No person shall sell, or possess with the intent to sell, fireworks within the City.
- (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 users’ permits may be issued by the Mayor or the Mayor’s designee. The Mayor or the Mayor’s designee shall require a certificate of liability insurance or similar proof of coverage in the amount of \$1,000,000. A copy of the permit and proof of insurance shall be filed with the City Clerk and copies of the permit shall be given to the Fire Chief and the Chief of Police at least 2 days before the authorized use.
- (5) FEE. The fireworks user’s permit fee shall be \$10.
- (6) USE OF CERTAIN DEVICES REGULATED. No person may use fireworks or devices listed in §167.10(1)(e) to (g) and (i) to (n), Wis. Stats., including, but not limited to, caps, toy snakes, model rocket engines, sparklers or cone fountains at a fireworks display for which a permit has been issued if the display is open to the general public.

9.06 LOUD AND UNNECESSARY NOISE PROHIBITED. (1) GENERAL. No person, which shall include, without limitation, any natural person or persons, business, organization, entity, association or body politic, shall make, sponsor, encourage, permit or cause to be made any loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb a person of ordinary sensibilities in or about any public street, alley, or park, or any school, fairgrounds, stadium, or any private business, facility or residence.

- (2) SOURCE. The prohibition in sub. (1) above shall apply, in addition to the sources regulated in subs. (3) and (4) below, to any activity or means of sound creation or propagation regardless of source.
- (3) SOUND AMPLIFYING EQUIPMENT. The following regulations shall apply to the use of sound amplifying equipment within the City:
 - (a) Sound amplifying equipment shall be permitted only to publicize events of community-wide interest and importance which are of a noncommercial nature.
 - (b) The only sounds permitted shall be music and human speech.
 - (c) Sound amplifying equipment shall be used only between 9:00 A.M. and 5:00 P.M.

- (d) No sound advertising shall be permitted on Sundays or legal holidays.
 - (e) The volume of sound shall be controlled so that it will not be audible for a distance in excess of 200 feet from its source and so that the volume of sound emitted therefrom shall not be unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.
- (4) **CONSTRUCTION AND MACHINERY NOISE.** Except for emergencies, between the hours of 9:00 P.M. and 7:00 A.M., no person shall do construction work or operate any chain saw, lawn mower or any other loud machinery of a similar nature.
 - (5) **STANDARDS.** Except as provided in subs. (3) and (4) above, no sound, regardless of source, activity or means of sound creation or propagation, shall exceed 70 db in excess of 200 feet from the source at any time between the hours of 11:00 P.M. and 7:00 A.M.
 - (6) **PENALTY AND NUISANCE.** Any person violating the provisions of this section shall be liable for the penalty provided in sec. 9.25 of this chapter and shall be further subject to the nuisance provisions of ch. 10 of this Code.

9.07 LOITERING PROHIBITED. (1) **LOITERING OR PROWLING.** No person shall loiter or prowl in a place at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer 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 explain his presence and conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence, or if it appears, at trial, that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

- (2) **OBSTRUCTION OF HIGHWAY BY LOITERING.** No person shall obstruct any street, bridge, sidewalk or crossing by lounging or loitering in or upon the same after being requested to move on by any police officer.
- (3) **OBSTRUCTION OF TRAFFIC BY LOITERING.** No person shall loaf or loiter in groups or crowds upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the City in such manner as to prevent, interfere with or obstruct the ordinary free use of such public sidewalks, streets, street crossings and bridges or other public places by persons passing along and over the same.
- (4) **LOITERING AFTER BEING REQUESTED TO MOVE.** No person shall loaf or loiter in groups or crowds upon the public streets, sidewalks or adjacent doorways or entrances, street crossings or bridges or in any other public place or on any private premises without invitation from the owner or occupant after being requested to move by any police officer or by any person in authority at such places.

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

9.08 UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.

(1) **PRESENCE REGULATED.** It shall be unlawful for any person other than an authorized person, as hereinafter defined, to be present within any school building or upon any school grounds under the jurisdiction of the St. Croix Falls School District Board without having first secured authorization therefor from the principal or other person in charge of said premises, except while in direct route to secure said authorization.

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

- (a) Students presently enrolled to attend school under the jurisdiction of the School Board of said School District, but excluding any student under suspension, expulsion, exemption or other discipline prohibiting such student from attending school under the jurisdiction of said School Board unless the terms of such prohibition expressly permit such presence.
- (b) Employees of said School District.
- (c) Any parent or guardian of any student or employe.
- (d) Any person present at any school building or school grounds for any purpose previously authorized by the School Board of said District or its designee.

- (3) **POSTING NOTICE.** All entrances to school premises referred to in sub. (1) above shall be posted with notice that "Entry by Unauthorized Persons is Prohibited: Section 9.08, Municipal Code of St. Croix Falls, Wisconsin." Any person who knowingly obliterates or otherwise defaces any such notice shall be subject to a penalty.

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

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

- (b) Public Parking Lot. Any area held out to the public for the parking of motor vehicles, whether such area is publicly or privately owned.
- (c) Licensed Premises. The area within a building or structure which is licensed pursuant to ch. 12 of this Code, but not including parking lots,

sidewalks, roadways or land which is adjacent to the building or structure and within the property boundary lines.

- (2) **CONDUCT PROHIBITED.** No person shall consume any alcohol beverage in or upon any public property or public parking lot.
- (3) **CONDUCT PROHIBITED OUTSIDE LICENSED PREMISES.** No person who has purchased alcohol beverages from any licensed premises shall consume said beverages outside of, but within the property boundary lines of, such premises.
- (4) **EXCEPTIONS.**
 - (a) The prohibitions in subs. (2) and (3) above shall not apply to those events or activities which are otherwise permitted or licensed pursuant to ch. 12 of this Code.
 - (b) The prohibition in sub. (2) above shall not apply to a school-sponsored activity when specifically permitted in writing by the school administrator.
 - (c) The prohibitions in subs. (2) and (3) above shall not apply to those persons who transport unopened alcohol beverages from a point of purchase to their destination unless it is in violation of §346.93, Wis. Stats.
 - (d) The prohibitions in sub. (2) above shall not apply to City parks and picnic areas.

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

9.11 KEEPING OF ANIMALS AND FOWL REGULATED. No person shall keep or maintain any poultry or fowl, or any livestock such as horses, cattle, sheep or goats in any zoning district except agricultural districts.

9.111 FEEDING DEER AND OTHER LARGE WILD ANIMALS. The deliberate feeding of deer and other large wild animals shall be prohibited within the City. No person shall set out feed or scraps that shall cause the feeding of deer, bear, raccoon or other large animals. This section does not affect the feeding of birds, squirrels and similar small animals provided the feeders are designed in such a manner that it discourages large animals from feeding. Persons found in violation of this section shall be subject to a forfeiture of \$100 for a first offense, \$200 for a second offense and \$300 for a third offense.

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

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

9.13 CONTROL OF PET LITTERING AND CLEANUP REQUIRED. (1) **PET LITTERING PROHIBITED.** No person owning, keeping, possessing or harboring an animal as a pet shall permit such animal to dig upon, soil, defile, defecate on or commit any nuisance on any private or public property.

- (2) **REPAIR AND REMOVAL REQUIRED.** Any person owning or having control of an animal kept as a pet on any property, public or private, which is not owned or occupied by such person shall promptly remove, in a sanitary manner, excrement left by such animal and place it in the proper receptacle or bury the same on property owned or occupied by such person and, to the extent any such pet may have littered or damaged property, as described in sub. (1) above, the person having control of said animal shall immediately repair and restore the area damaged by such pet.
- (3) **MEANS OF TRANSMITTAL REQUIRED.** Any person causing or permitting an animal to be on any property, public or private, not owned or occupied by such person shall have in his immediate possession a device or object suitable for removal of excrement (pooper scooper) together with a depository for the transmission of excrement to the property owned or occupied by such person.
- (4) **PENALTY.** The owner of any pet, as well as persons keeping, possessing, harboring or having control of any such pet at the time a violation of this section occurs, shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.14 BURNING REGULATIONS. (1) **RECREATIONAL FIRES.** Recreation fires are permitted.

- (2) **GRASS AND BRUSH FIRES REGULATED.** No person shall kindle any grass, brush or leaf fire within the City, except between the hours of 4:00 P.M. and 9:00 P.M. and when attended by a person 16 years of age or older. No burning shall be permitted:
 - (a) Within 25 feet of any building.
 - (b) On any City street or sidewalk.
 - (c) When the Fire Chief has declared a burning ban.
 - (d) When the DNR declares a burning ban in an area in or adjacent to the City.
- (3) **TRASH BURNING.** No trash burning is permitted within the City limits.

9.15 CURFEW. (1) **VIOLATION.** (a) No child under the age of 16 years shall remain, and no parent or legal guardian shall knowingly permit his child or ward to so remain, upon any street or alley or other public place in the City between 10:00 P.M. and 6:00 A.M. the next day.

- (b) No child under the age of 18 years shall remain, and no parent or legal guardian shall knowingly permit his child or ward to so remain, upon any street or alley or other place in the City between 11:00 P.M. and 6:00 A.M. the next day.
- (2) **EXCEPTIONS.** The following shall constitute valid exceptions to the operation of the curfew:
 - (a) At any time, if the child is accompanied by his or her parent, legal guardian, or other responsible person who is over the age of 18 and who is approved by the child's parent or legal guardian.

- (b) At any time, in the event of an emergency which would justify the reasonableness of the child's presence.
 - (c) At any time while the child is pursuing the duties of his employment.
 - (d) Until the hour of 12:30 A.M. if the child is on an errand as directed by the child's parent or legal guardian.
 - (e) If the child is coming directly home from a public meeting or place of public entertainment such as a movie, play, school, church or sporting event. This exception will apply for 1/2 hour after the completion of such event, but in no case beyond 12:30 A.M. If the event is not commercial in nature or does not have a fixed publicly known time at which it will end, the sponsoring organization must register the event with the Police Department at least 24 hours in advance informing it of the time such event is scheduled to be, the place at which it will be held, the time at which it shall end, and the name of the sponsoring organization.
 - (f) If the child is coming directly home from a private home which has been approved by the child's parent or legal guardian.
 - (g) Until the hour of 12:30 A.M. if the child is on the property of or the sidewalk directly adjacent to the building in which he resides or the buildings immediately adjacent thereto.
- (3) **TAKING A CHILD INTO CUSTODY.** A child believed to be violating this section shall be taken to the Police Department for proper identification. Every law enforcement officer, while on duty, is hereby authorized to take into custody any child violating the provisions of sub. (1) above. Children taken into custody shall be released from custody as soon as is reasonably possible. A person taking a child into custody shall make every effort to immediately release the child to the child's parent, guardian or legal custodian or, if the parent, guardian or legal custodian is unavailable, unwilling or unable to provide supervision, that person may release the child to a responsible adult, and verbally counsel or warn, as may be appropriate; or, in the case of a runaway child, may release the child to a home authorized under §48.227, Wis. Stats. The parent, guardian, legal custodian or other responsible adult to whom the child is released shall sign a release for the child.
- (4) **PENALTY.** Any person who shall violate this section shall, upon conviction, be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.16 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.

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

- (2) **UNLAWFUL TAKING PROHIBITED.** (a) No person shall take or remove from the library any of the aforesaid materials or property without first having it charged out to him, as provided by said rules and regulations.
- (b) Whoever intentionally takes and carries away, transfers, conceals or retains possession of the aforesaid materials and property without the consent of the library staff and with intent to deprive the library permanently of the possession thereof may be penalized hereunder. The intentional concealment thereof which continues beyond the checkpoint of the library is evidence to deprive the library permanently of possession of such materials and property. The discovery thereof upon the person or among the belongings of such person or of another is evidence of intentional concealment.
- (c) A library staff member who has probable cause for believing that a person has violated this section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a police officer, or to his parent or guardian in the case of a minor. The detained person must promptly be informed of the purpose of his detention and shall be permitted to make telephone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Library staff members complying with this section shall be entitled to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (3) **REMOVAL OF CHARGE CARD POCKET PROHIBITED.** No person shall remove the charge card pocket or charge card affixed to the inside cover of a library book.
- (4) **MUTILATION OF LIBRARY MATERIALS PROHIBITED.** No person shall mutilate or damage a library book or library materials by tearing or cutting out pages, portions or excerpts, or in any other manner, but shall return the book or material in the same condition it was received.
- (5) **LIBRARY BOOK FINE TO BE PAID.** No person shall fail to pay, on demand, any library book fine.

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

- (b) City Notification. In addition to the notification required in par. (a) above, the owner or the person causing the discharge of a hazardous substance shall immediately notify the Fire Chief of such spill or discharge.
- (2) **DETRIMENTAL SUBSTANCE SPILLS; NOTIFICATION.** Any person who possesses or controls a discharged or spilled material, or causes a discharge or spill, which, although not a “hazardous substance,” may be detrimental to the general safety and welfare of City residents shall immediately notify the Fire

Chief. Such detrimental substances may include, without limitations, food products and nitrates.

- (3) **CLEANUP REQUIRED.** Any person responsible for the discharge or spill of any hazardous or detrimental substance shall be responsible for cleanup within a reasonable time under the circumstances. In the event such cleanup is not completed within a reasonable time, the City shall clean up and bill the person responsible.
- (4) **PENALTY.** Any person responsible for a spill or discharge who does not provide the notification required under subs. (1)(b) and (2) above shall be subject to a forfeiture as provided in sec. 25.04 of this Code.

9.19 USE OF CITY PARKS OVERNIGHT PROHIBITED. (1) **OVERNIGHT USE.** Except for organized activities approved by the Council, no person shall be present in any City park between the hours of 10:00 P.M. and 5:00 A.M.

- (2) **OVERNIGHT DOCKING OR MOORING OF WATERCRAFT.** No person shall anchor, attach, berth, dock, moor, tie up, place or in any manner attach any watercraft to land within Lion's Park, or to any berth, dock or pier extending from Lion's Park into the St. Croix River between the hours of 10:00 P.M. and 5:00 A.M.

9.20 TRUANCY, HABITUAL TRUANCY AND SCHOOL DROPOUT PROHIBITED. (1) **PURPOSE.** Pursuant to §61.34(1), Wis. Stats., in recognition of the benefits to the community at large and in particular to its students in assisting schools in enforcing the truancy regulations pursuant to Ch. 118, Wis. Stats., the purpose of this section shall be to establish municipal school attendance requirements, subject to sanctions for violations.

- (2) **DEFINITIONS.** In this section, the following meanings shall apply:
 - (a) Parent. Includes the natural parents; custodians, including, but not limited to, the Department of Social Services; and legal guardians appointed by the Circuit Court.
 - (b) Student. Any person under the age of 18 years required by law to be enrolled in school or, if not so required, enrolled in school in the St. Croix Falls School District.
 - (c) Private School. That type of school defined in §115.001(34), Wis. Stats.
 - (d) Truancy. Any absence of part or all of one 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 shall also mean intermittent attendance carried on for the purpose of defeating the intent of §118.15, Wis. Stats.
 - (e) Truant. A student who is absent from school without an acceptable excuse under §§118.15 and 118.16(4), Wis. Stats., for part or all of any day on which school is held during a school semester.
 - (f) Habitual Truant. A student who is absent from school without an acceptable excuse under §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.

- (g) Dropout. A student who ceases 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 §118.15(1)(b) to (d) or (3), Wis. Stats.
- (3) **SCHOOL ATTENDANCE REQUIRED.** All persons under the age of 18 years and who are required by §118.15, Wis. Stats., to attend school and who are enrolled in a private school or a school of the St. Croix Falls School District shall, during the hours established for school to be in session, remain on school property, subject to rules and policies of the private school or the Board of Education. Those individuals who fail to abide by this regulation shall be considered to be truant.
 - (4) **TRUANCY PENALTY.** No person under 18 years of age shall be a truant. Upon conviction thereof, the following dispositions are available to the 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, subject to §938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during a school semester. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 - (5) **HABITUAL TRUANCY PENALTY.** No person under 18 years of age shall be an habitual truant. Upon conviction thereof, the following dispositions are available to the court:
 - (a) Suspension of the person's operating privileges 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.
 - (b) An order for the person to participate in counseling or a supervised work program or other community service work as described in §938.34(5g), Wis. Stats. The costs of any such counseling, supervised work program or other community service 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 a 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.
 - (c) 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 and from the school program or place of worship. The order may permit a person to leave his home if the person is accompanied by a parent or guardian.

- (d) An order for the person to attend an educational program as described in §938.34(7d), Wis. Stats.
- (e) An order for the Department of Workforce Development to revoke, under §103.72, Wis. Stats., a permit under §103.70, Wis. Stats., authorizing the employment of the person.
- (f) An order for the person to attend school.
- (g) A forfeiture of not more than \$500 plus costs, subject to §938.37, Wis. Stats. All or part of the forfeiture may be assessed against the person, the parents or guardian of the person, or both.
- (h) Any other reasonable conditions consistent with §118.163(2), Wis. Stats., including a curfew, restrictions as to going to or remaining on specified premises, and restrictions on associating with other children or adults.
- (i) An order placing the person under formal or informal supervision, as described in §938.34(2), Wis. Stats., for up to one year.
- (j) 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.

(6) **DROPOUT PENALTY.** No person who is at least 16 years of age, but less than 18 years of age shall be a dropout. Upon conviction thereof, disposition available to the court is suspension of the person's operating privileges until the person reaches the age of 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.

9.21 PARENTAL RESPONSIBILITY FOR JUVENILE MISCONDUCT.

(1) **PURPOSE.** The purpose of this section is to reduce the incidents of misconduct by juveniles by requiring proper supervision on the part of custodial parents.

(2) **FINDING.** The Council finds that the regulation of juvenile misconduct by the fixing of parental responsibility for such misconduct is a valid exercise of its police and home rule powers, and that such regulation is necessary in order to foster and maintain the good order, health, safety and welfare of the public in general.

(3) **DEFINITIONS.** For purposes of this section, the following shall have the meaning set forth in this subsection:

- (a) Child. A person under the age of 18 years.
- (b) Custodial Parent. A parent or legal guardian of a minor child who has custody of said child.
- (c) Custody. Either physical custody of a child under a court order and §§767.23 or 767.24, Wis. Stats., custody of a child under stipulation under §767.24, Wis. Stats., or actual physical custody of the child. Custody does not include legal custody, as defined under §48.02(12), Wis. Stats., by an agency or a person other than a child's birth or adoptive parent. In

determining which parent has custody of a child for purposes of this section, the court shall consider which parent had responsibility for caring for and supervising the child at the time that the child's ordinance violations occurred.

- (4) **PROHIBITED CONDUCT.** Every custodial parent has a duty to properly supervise his child. Any custodial parent whose child is convicted of a violation of this Code twice in a 6 month period or 3 or more times within a 12 month period is guilty of failing to properly supervise said child. The 6 and 12 month periods shall be measured from the date of the first violation.
- (5) **PRESUMPTION.** An adjudication in court that the juvenile has violated an ordinance, based upon proof that the juvenile committed the act, bars the juvenile's custodial parent from denying that the juvenile committed the act.
- (6) **DEFENSES.** The following shall be defenses to a violation of sub. (4) above.
 - (a) The parent has made all reasonable and available efforts under the circumstances to prevent the juvenile misconduct.
 - (b) The parent provides evidence of enrollment or ongoing participation in parenting classes, family therapy or counseling.
 - (c) The parent was not legally responsible, by reason of a court order to that effect, for supervising the juvenile when the misconduct occurred.
 - (d) The parent has a physical or mental disability or incompetence which makes the parent incapable of supervising the juvenile.
 - (e) The parent reported the act of juvenile misconduct to appropriate authority.
- (7) **BURDEN.** The parent shall have the burden of going forward and of persuasion by clear and satisfactory evidence that a permitted defense exists in any given circumstance.
- (8) **PENALTY.** The first violation of sub. (4) above shall subject the parent to a forfeiture of not less than \$250 and not more than \$1,000. A second and any subsequent violation of said subsection shall subject the parent to a forfeiture of not less than \$500 and not more than \$2,000.

9.22 MOTOR VEHICLES PROHIBITED ON INTERLINK TRAIL. (1) **PURPOSE.** In order to provide for the protection of that portion of the Gandy Dancer Trail within the corporate boundaries of the City known as the Interlink Trail from injury, damage, desecration of misuse, these regulations are enacted.

- (2) **DEFINITION.** (a) Interlink Trail. Includes all land and right of way of the Interlink Trail portion of the Candy Dancer recreational trail located within the corporate boundaries of the City as laid out, traveled and dedicated to the use of the public.
- (b) Motor Vehicle. Includes, except for authorized maintenance and repair vehicles, all licensed and unlicensed motorized vehicles of any type or configuration including, without limitation, all-terrain vehicles as defined

by §340.01(2g), Wis. Stats., off-road vehicles of any description and snowmobiles.

- (3) VIOLATION. (a) It shall be unlawful for any person at any time to use the Interlink Trail for any purpose other than those posted.
 - (b) No person may operate a snowmobile or all-terrain vehicle on the Interlink Trail at any time except between December 1st and March 31st when there is more than 6 inches of snow cover on the trail surface.
 - (c) No person may operate a motor vehicle, except as provided by par. (b) above, upon the Interlink Trail at any time.
- (4) PENALTIES. Any person who shall violate any provision of this section shall be subject to the penalty as provided in sec. 25.04 of this Code.

9.23 (Reserved)

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

- (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 this Code that was 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 Polk County Traffic and Misdemeanor Court 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 shall 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 §302.46(1), Wis. Stats., the crime lab and drug law enforcement imposed by §165.755, 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, a summons shall be issued demanding him to appear in court to answer the complaint.

4. If no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture and penalty assessments enumerated in subpar. 3. above.
 - (h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under par. (g) above has been read. Such statement shall be sent or brought with the cash deposit.
 - (i) Such other information as the Council deems necessary.
- (3) DEPOSITS. (a) Each citation issued under this section, except those to which par. (d) below applies, shall specify a cash deposit as set forth in sec. 25.04 of this Code, which consists of the appropriate forfeiture and penalty assessments enumerated in sub. (2)(g)3. above.
 - (b) Deposits shall be made in cash, money order or check to the County clerk of Courts, who shall provide a receipt there for.
 - (c) The penalty assessments enumerated in sub. (2)(g)3. above 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.
 - (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 assessments enumerated in sub. (2)(g)3. above, except that costs and penalties shall not be assessed against minors unless Wisconsin law so provides.
- (4) DEPOSIT SCHEDULE. Every police officer issuing a citation for any violation of this Code shall indicate on the citation the amount of the deposit that the alleged violator may make in lieu of court appearance. The amount of the deposit shall be determined in accordance with the City Bond Schedule and the Wisconsin Judicial Council Bond Schedule which are hereby adopted by reference.
- (5) ISSUANCE OF CITATION. Any law enforcement officer may issue citations authorized under this section.
- (6) NONEXCLUSIVITY. (a) Other Ordinances. Adoption of this section does not preclude the Council from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.
 - (b) Other Remedies. The issuance of a citation hereunder shall not preclude the City or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

9.25 PENALTY. Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in sec. 25.04 of this Code. In addition to any penalty imposed for violation of sec. 9.943.01(1) of this chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates sec. 9.943.01(1) or sec. 9.16 of this chapter may also be held liable for the cost of repairing such damaged or destroyed property in accordance with §895.35, Wis. Stats.