

## **CHAPTER 9**

### **ORDERLY CONDUCT**

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## 9.01 GENERAL PROVISIONS

### (1) DEFINITIONS

For the purpose of this Chapter, the definitions of words and phrases contained in Chapters 161,939, to 948 and Section 990.001 of the Wisconsin Statutes are hereby adopted by reference and made a part hereof with the same force and effect as if fully set forth herein.

### (2) INCORPORATION OF CERTAIN STATUTORY OFFENSES

(A) Provisions included. The sections and subsections of the Wisconsin Statutes describing, defining, and prohibiting conduct and cross references contained therein, which are enumerated from time to time in this Chapter, are hereby adopted and by reference made a part of this Chapter with the same force and effect as if fully set forth herein, exclusive of any provision relating to penalties. Any act required to be performed or prohibited by any statute incorporated by reference is required or prohibited by this Chapter.

(B) Interpretation. In those enumerated sections and subsections of Wisconsin Statutes:

1. Whenever the word "crime" is used, it shall be taken to mean "offense".
2. Whenever the phrase "criminal intent" is used, it shall be taken to mean "intent".

### (3) ATTEMPT

(A) Whoever attempts to commit an offense under this Section may be fined not to exceed one-half the maximum penalty for the completed offense.

(B) An attempt to commit an offense requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute such offense and that he does acts toward the commission of the offense which demonstrate, under all the circumstances, that he formed that intent and would commit the offense except for the intervention of another person or some other extraneous factor.

### (4) PARTIES TO OFFENSE

(A) Whoever is concerned in the commission of an offense is a principal and may be charged with and convicted of the commission of the offense although he did not directly commit it and although the person who directly committed it has not been convicted or has been convicted of some other offense based on the same act.

(B) A person is concerned in the commission of the offense if that person:

1. Directly commits the offense; or
2. Intentionally aids and abets the commission of it; or
3. Is a part to a conspiracy with another to commit it or advises, hires, counsels, or otherwise procures another to commit it.

## 9.02 OFFENSES AGAINST BODILY SECURITY

### (1) STATE LAW ADOPTED

- (A) Battery (940.19)
- (B) Abuse of children (940.201)
- (C) Battery: Special Circumstances (940.20)
- (D) Injury by negligent use of a weapon (940.24)
- (E) False imprisonment (940.30)

## 9.03 OFFENSES AGAINST PUBLIC SAFETY AND WELFARE

### (1) STATE LAW ADOPTED (*Rev. 10-23-06*)

- (A) Machine guns and other weapons (164.20)

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- (B) Negligent operation of a vehicle (941.01)
  - (C) Negligent handling of burning materials (941.10)
  - (D) Unsafe burning of buildings (941.11)
  - (E) Interfering with or failure to assist in firefighting (941.12)
  - (F) False alarms and interference with firefighting (941.13)
  - (G) Reckless use of weapons (941.20(1) (2))
  - (H) Possession of pistol by minor (941.22)
  - (I) Carrying a concealed weapon (941.23)
  - (J) Possession of switchblade knife (941.24)
  - (K) Endangering safety by conduct regardless of life (941.30)
  - (L) Placing foreign objects in edibles (941.325)
  - (M) Hazing (941.33)
  - (N) Emergency telephone call (941.35)
  - (O) Safe use and transportation of firearms and bows (167.31) *(Rev. 06-22-09)*
- (2) **FIREARMS AND AMMUNITION; DISCHARGE, POSSESSION AND SALE**
- (A) Discharging and Carrying of Firearms. No person except a sheriff, police officer or other law officer shall fire or discharge any firearm, rifle, spring gun, air gun, or pneumatic pellet gun of any description within the City of Reedsburg. *(Rev. 06-22-09)*
  - (B) Possession of Ammunition and Sale to Minors. No minor person under the age of 18 years shall have in his possession any ammunition for any spring gun, air gun, or pneumatic pellet gun unless accompanied by parent, guardian or any person 18 years or more.
  - (C) No person shall intentionally sell or give away any firearm, rifle, spring gun, air gun, or pneumatic pellet gun, or ammunition therefore, to any person under the age of 18 years unless accompanied by parent or legal guardian.
  - (D) No person under the age of 18 years of age shall have in his possession any firearm, rifle, or ammunition therefore, unless accompanied by parent or legal guardian.
  - (E) Supervised Ranges and Hunting within City. This section shall not prevent the maintenance and use of duly supervised rifle or pistol ranges authorized by the Common Council, but shall be deemed to prohibit hunting within the City, except where owners or occupants of private premises shall have been issued written permits to hunt or shoot on such premises by the Chief of Police after he shall have determined that such privileges are necessary for the protection of life or property and subject to such safeguards as he may impose for the safety of the lives and property of other persons within the City.
- (3) **THROWING OR SHOOTING OF ARROWS, STONES, AND OTHER MISSILES PROHIBITED.** No person shall throw or shoot any object, arrow, stone, or other missile or projectile, by hand or by any other means at any other person or at, in, or onto any building, street, sidewalk, alley, highway, park, playground, or other place within the City of Reedsburg with the exceptions as follows: *(Rev. 10-18-12)*
- (A) In archery class conducted on school district property under the supervision of a qualified instructor; or *(Created 10-18-12)*
  - (B) At any bona fide business location where the sale of archery equipment takes place on a professionally developed indoor archery range; or *(Created 10-18-12)*
  - (C) At a designated outdoor archery range approved by the Common Council; or *(Created 10-18-12)*

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- (D) Hunting at least 300 feet from any building, or having building owners permission, and having permission from the land owner; or
  - (E) Bow fishing for rough fish per SS. 29.405. *(Created 10-18-12)*
- (4) **SALE AND DISCHARGE OF FIREWORKS RESTRICTED**
- (A) Private Use and Sale. No person shall sell, expose or offer for sale, use, keep, discharge, or explode any fireworks except any fireworks not specifically excluded from the definition contained in Wis. Stats. 167.10(1) within the limits of the City unless he shall be authorized by a fireworks permit as hereinafter provided. The term "fireworks" as used in this Section shall be defined as provided in Section 167.10(2), Wisconsin Statutes and shall be deemed to include all rockets, or similar missiles, containing explosive fuel.
  - (B) Fireworks Permits. Fireworks, other than those prohibited by the laws of the State of Wisconsin, may be used and displayed in open fields, rivers, lakes, and ponds by public authorization, fair associations, amusement parks, park boards, civic organizations, and other groups of individuals when a permit for such display has been granted by the Mayor. All applications shall be referred to the fire chief for investigation and no permit shall be granted unless the Mayor, from the report of the chief, determines that the applicant will use the fireworks in a public exhibition, that all reasonable precautions will be handled by a competent operator and conducted in a suitable, safe place and manner. Before granting any fireworks permit, the Mayor shall require the applicant to post with the City Clerk an approved indemnity bond in the sum of two thousand dollars (\$2,000.00) for the payment of all claims that may arise by reason of injuries to persons or property from handling, use, or discharge of fireworks under such permit.
- (5) **BLASTING** *(revised 9-28-09)*
- A) Definitions. The following definitions shall apply in the interpretation and enforcement of this section:
    - 1. Blasting. A method of loosening, moving or shattering masses of solid matter by use of explosive compounds to prepare stone for building and/or ornamental use or to prepare property for development.
    - 2. Person. Any individual, partner, corporation, company, trustee or association, together with the respective servants, agents and employees thereof.
  - B) No person shall blast or cause to be detonated any explosive or carry on any blasting operations within the City and the extraterritorial zoning area (ET) without first obtaining a permit therefore from the City Clerk. Application shall be made a minimum three (3) days prior to blasting period and shall expire upon completion of the blasting job for which the permit was obtained.
  - C) All application for permits hereunder shall be made in writing upon the written form provided by the City and distributed by the City Clerk. All applications for permits hereunder shall be signed by the applicant and filed with the City Clerk. The City Clerk shall immediately refer all applications for permits hereunder to the City Engineer. The City Clerk shall issue a permit hereunder only after receiving the recommendation of the City Engineer, and the duly executed check for the permit fee as hereinafter provided and a submittal of a plan of operation, if required, as approved by the City Engineer.
  - D) Each blasting permit application shall be \$50.00, payable to the City of Reedsburg.
  - E) An applicant for such permit shall furnish satisfactory proof that the blaster holds a Blasters License issued by the State Department of Safety & Professional Services.
  - F) Any blaster for such license shall be required to file with the City Clerk a surety bond or public liability insurance policy for not less than one million dollars for injuries, including accidental death of any person and subject to the same limit for each person;

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for not less than two million dollars for one accident; and, property damage insurance for not less than one hundred thousand dollars.

- G) To reduce to a minimum the noise, concussion or jar and dangers that explosives produce a holder of a blasting permit shall denote the minimum amount of such explosives necessary to perform the task for which the explosive is required.
  - H) No blasting or detonation of any explosives shall be carried on within the City or ET between 5:00 p.m. and 8:00 a.m. or on Sundays or holidays unless specifically provided for in the permit issued by the City Clerk.
  - I) City Clerk shall provide a copy of the permit to the Chief of Police and the Fire Chief indicating the dates, times and locations of such blasting. The blaster in charge shall notify the Dept. Of Safety & Professional Services.
  - J) The blaster in charge shall comply with any applicable State requirements per SPS 307.
  - K) Warning signs of blasting shall be conspicuously posted 24 hours prior and a warning whistle shall be blown before every blast.
    - 1. At least 24 hours prior to initial blasting at a blast site, the blaster in charge shall make a reasonable effort to notify in writing or verbally all residents or owners of affected dwellings or other structures, as determined under subs. (2) & (3) that a blasting operation is to begin.
    - 2. Affected dwellings or other structures within the City shall be determined based on the scaled-distance equation,  $W = (D/D_s)^{1/2}$ . Using a scaled-distance factor  $D_s$  of 55, affected dwellings or other structures shall be those located within the distance  $D$  of the controlled blasting site area for the weight per delay  $W$  of explosives to be used.

Note: An example calculation to determine  $D$  is as follows: For 4 pounds of explosives,  $D = D_s(W)^{1/2} = 55(4)^{1/2} = 110$  feet.
    - 3. Adjacent properties and affected dwellings or other structures within the ET shall include all those within a maximum 600' radius of the blast site or as calculated under the above formula, whichever is greater.
  - L) No explosives or detonators or blasting caps, unused at the end of a day, shall remain at the blast site overnight, but shall be returned to an appropriate storage facility.
- (6) Purchase or possession of cigarettes or tobacco products by persons under the age of 18 is prohibited as provided in Wis. Stat. 254.92. It shall be unlawful for anyone who is under the age of 18 to possess, procure or consume any cigarette, tobacco products, or nicotine products as defined by Wis. Stat. 139.75(12). *(Revised 03-25-13)*
- (7) Sale of Tobacco Products. As provided in Wis. Stat. 134.66(2)(am) no retailer, direct marketer, manufacturer, distributor, jobber, subjobber, no agent, employee or independent contractor of a retailer, direct marketer, manufacturer, distributor, jobber or subjobber and no agent or employee of any independent contractor may provide for nominal or no consideration cigarettes, tobacco products or nicotine products to any person except in a place where no person younger than 18 years of age is present or permitted to enter unless the person who is younger than 18 years of age is accompanied by his or her parent or guardian or by his or her spouse who has attained the age of 18 years. *(Revised 03-25-13)*

## 9.04 Offenses Against Public and Private Property

- (1) State Laws Adopted
  - (A) (Criminal) damage to property (943.01)
  - (B) Arson of property other than building (943.03)
  - (C) Arson with intent to defraud (943.04)
  - (D) Placing of combustible material an attempt (943.05)
  - (E) Molotov cocktails (943.06)
  - (F) Burglary (943.10)
  - (G) Entry into locked vehicle (943.11)
  - (H) Possession of burglarious tools (943.12)
  - (I) (Criminal) trespass to land (943.13)
  - (J) (Criminal) trespass to dwellings (943.14)
  - (K) Theft (943.20)
  - (L) Fraud on hotel or restaurant keeper (943.21)
  - (M) Operating vehicle without owners consent (943.23)
  - (N) Issue of worthless check (943.24)
  - (O) Removing or damaging encumbered or real property (943.26)
  - (P) Robbery (943.32)
  - (Q) Receiving stolen property (943.34)
  - (R) Receiving property from children (943.35)
  - (S) Alteration of property identification marks (943.37)
  - (T) Forgery (943.38)
  - (U) Credit card crimes (943.41)
  - (V) Obtaining telecommunications by fraud (943.45)
  - (W) Shoplifting (943.50)
  - (X) Harassment of police and fire animals (951.095) *(created 01-22-07)*
- (2) Destruction of property prohibited. No person shall willfully, maliciously, or wantonly deface, injure or destroy any public property or any private property. Likewise, a parent or legal guardian of any minor who shall fail to exercise reasonable care so as to prevent such minor from intentionally damaging public or private property or from conducting himself in such a manner as may reasonably be calculated to result in damage to any of such property shall be deemed to have violated this ordinance, and such parent or guardian shall be personally liable to the owner for such damage, subject to the limitations imposed thereon by Section 895.035, Wisconsin Statutes.
- (3) Littering prohibited. No person shall throw any glass, cans, rubbish, waste, or filth upon the streets, alleys, highways, public parks, or other property of the City or upon any private property not owned by him, or upon the surface of any body of water within the City of Reedsburg.
- (4) Unlawful trespass on private property.
  - (A) It shall be unlawful for any person to trespass upon the property or buildings belonging to another person without the permission of the lawful owner or occupant.
  - (B) It shall be unlawful for any person to permit any animal belonging to him, or under his control, to trespass upon the property belonging to another person without the permission

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of the lawful owner or occupant.

- (C) It shall be unlawful for any person to enter upon or remain in any parking lot that is maintained by a business for use by its customers if that parking lot is posted by signs informing the public of the restrictions imposed and if that person does not have permission of the owner or lawful occupant.
- (5) Loitering prohibited. No person whose actions give rise to suspicion of wrongdoing shall, within the City, sit, stand, loiter, or loaf about any building, place, or premises held out to or open for use by the public, or wander about the streets, alleys, parks, or other public places either by day or night. No person shall loiter about any park, parkway, school grounds or other public grounds between 11:00 p.m. and 6:00 a.m.
- (6) Deposit of trash or refuse in privately owned containers prohibited.  
No person shall deposit or allow to be deposited any glass, cans, rubbish, waste or refuse into private trash receptacles or containers without consent of either the owner or lessor of the container.

#### **9.05 OFFENSES AGAINST PUBLIC PEACE, GOOD ORDER AND OTHER PUBLIC INTEREST**

- (1) State Laws Adopted.
  - (A) Disorderly conduct (947.01)
  - (B) Bomb scares (947.015)
  - (C) Unlawful assemblies and their suppression (947.06)
  - (D) False swearing (946.32)
  - (E) Contributing to the delinquency of children (947.15)
  - (F) Refusing to aid officer (946.40)
  - (G) Resisting or obstructing officer (946.41)
  - (H) Escape (946.42)
  - (H) Impersonating peace officers (946.70)
  - (J) Interference with custody of children (946.71)
  - (K) Tampering with public records and notices (946.72)
  - (L) Misconduct on public grounds (946.80)
  - (R) Lewd and lascivious behavior (944.20)
  - (S) Prostitution (944.30)
  - (T) Patronizing prostitutes (944.31)
  - (U) Pandering (944.33)
  - (V) Gambling (945.02)
  - (W) Permitting premises to be used for commercial gambling (945.04)
  - (X) Commercial gambling (945.03)
  - (Y) Unlawful use of Telephone (947.012) *(created 11-27-06)*
  - (Z) Harassment (947.013) *(created 11-27-06)*
  - (AA) Disobedient Witness (885.11) *(created 8-13-07)*
  - (BB) Unlawful use of computerized communication systems. (947.0125) *(created 05-23-11)*
  - (CC) Fourth Degree Sexual Assault (940.225(3m)) *(created 05-25-13)*
- (2) PROHIBITION OF NOISES DISTURBING THE PUBLIC PEACE. No person and no person, firm or corporation occupying or having charge of any building or premises or any part thereof shall, within the City of Reedsburg:

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- (A) Make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof, unless the making and continuing of the same cannot be prevented or is necessary for the protection or preservation of property, or for the health, safety, life or limb of some person.
- (3) JUVENILE DRINKING OFFENSES
  - (A) Furnishing Alcoholic Beverages to Minors. No person shall sell, furnish, vend, or any way deal or traffic in, or give any intoxicating liquor or fermented malt beverage in any quantity whatsoever to any person under the age of twenty-one (21).
- (4) POSSESSION OF FALSE IDENTIFICATION. No person shall knowingly possess identification that has been altered so as to not be true and accurate, nor shall any person present for identification purposes a document that is not true and accurate identification of said person.
- (5) POSSESSION OF ALCOHOLIC BEVERAGES BY MINORS. No person under the age of twenty-one (21) years shall procure, seek to procure, knowingly possess, or consume any intoxicating liquor or fermented malt beverage, except that fermented malt beverages may be consumed while under the immediate supervision of a parent or guardian.
- (6) POSSESSION OF CONTROLLED SUBSTANCES/PARAPHERNALIA *(Created 10-23-06)*
  - (A) Uniform Controlled Substance, Definitions (961.41(3g)(c))
  - (B) Possess or attempt to possess any other non-narcotic controlled substance/controlled substance analog not listed below (961.41(3g)(c))
  - (C) Possession/Use Marijuana (961.41(3g)(e))
  - (D) Possession/Use Cocaine (961.41(3g)(b))
  - (E) Possession/Use LSD (961.41(3g)(d))
  - (F) Possession/Use of Drug Paraphernalia (961.573(1) and (2))
  - (G) Manufacture/Deliver of Drug Paraphernalia (961.574(1) and (2))
  - (H) Delivery of Drug Paraphernalia to a Minor (961.575(1) and (2))
  - (I) Advertisement of Drug Paraphernalia (961.576)
  - (J) Synthetic cannabinoids (961.41 (3g)(em)) *(Revised 02-25-13)*
- (7) DRINKING IN MOTOR VEHICLES ON THE HIGHWAY. No person shall possess an open container of fermented malt beverage or intoxicating liquor in a moving vehicle on a public street or highway within the City of Reedsburg.
- (8) ASSISTING ESCAPE OF PRISONER. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the City.
- (9) PUBLIC OBSCENE LANGUAGE AND SEXUAL CONDUCT PROHIBITED. No person shall, in any public place, use any obscene language or sexual conduct within the City of Reedsburg. Definitions:
  - (A) "Language" means words or sounds or gestures, or any combination thereof.
  - (B) "Obscene" means language or sexual conduct which, taken as a whole:
    - 1. Appeals to prurient interest in sex, and
    - 2. Portrays sexual conduct in a patently offensive way, and
    - 3. Does not have serious literary, artistic, political or scientific value.
- (10) CURFEW *(Rev. 12-5-13)*
  - (A) 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 places of the City between the hours of 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday and Thursday until 5:00 a.m.

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the following day, and between the hours of 11:00 p.m. on Friday and Saturday until 5:00 a.m. the following day, unless such person is accompanied by his/her parent, guardian or other individual having custody of such person.

- (B) 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 purpose 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.
  - (C) Defenses It is a defense to prosecution under this Section that the minor was:
    - 1. accompanied by the minor's parent or guardian;
    - 2. engaged in legal activity at the direction, permission, or authority of the minor's parent or guardian.
    - 3. in or upon a motor vehicle involved in interstate travel;
    - 4. engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
    - 5. involved in an emergency;
  - (D) 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 reasonable believes that an offence has occurred and that, based on any response or other circumstances, no defense in Subsection (10)(c) is present.
  - (E) Applicability of Chapter 48, Wisconsin Statutes Any person under the age of eighteen (18) years who repeatedly violates this Section shall be subject to referral to Juvenile Court Intake under Chapter 48 of the Wisconsin Statutes.
  - (G) Special Penalty Section
    - 1. It shall be unlawful for any person under the age of eighteen (18) years to violate the provisions of this Section 9.05. Upon a violation of this Section by such person, 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. The Police Department shall notify the parent, guardian or individual having custody over the person violating this Section, if known, of the minors violation of this Section Notice may be made either in person, by telephone or by letter.
    - 2. 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. If a parent, guardian or other individual having custody of a child has been previously notified of a minor's violation of this Section, upon subsequent offense received 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 9.05(10) 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) **DISORDERLY CONDUCT WITH A MOTOR VEHICLE.** No person shall within the City of Reedsburg, whether on public or private property, engage in annoying, boisterous, reckless, unreasonably loud and otherwise disorderly conduct with a motor vehicle under circumstances in which the conduct tends to cause or provoke a disturbance. *(Rev. 03-26-07)*

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- (12) **LOUD AND UNNECESSARY NOISE PROHIBITED.** No person shall make or cause to be made loud, disturbing or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public street, alley, park, or private residence. It shall be a violation of this Section for any person to use a motor vehicle horn or warning device prohibited under Section 347.38, Wisconsin Statutes.
- (13) **REPEALED**
- (14) **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 a manner as to obstruct or prevent the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to and from any place of business, amusement, church, public hall, or meeting place.
- (15) **UNAUTHORIZED PRESENCE ON SCHOOL PROPERTY PROHIBITED.**
- (A) It shall be unlawful for any student who is under suspension, expulsion, exemption, or other discipline excluding him from attending school under the jurisdiction of the Reedsburg Board of Education, or for any person not a student presently enrolled to attend school under the Reedsburg Board of Education or not an employee of said Reedsburg Board of Education or not a parent or guardian of a student so enrolled, or not an otherwise "authorized" person to be present within any school building or upon any school grounds under the jurisdiction of said school board without having first secured authorization to be there from the principal or other person in charge of said school building or school grounds, except while in direct route to secure said authorization. "Authorized person" shall include any person who is present at any school building or school grounds for any purpose previously authorized by the Board of Education or as designee.
- (B) Any person shall, upon the request of the principal or other person in charge of any school building or upon any school grounds under the jurisdiction of said Board of Education or upon request of any police officer, display any written authorization to be present which he may have in his possession or otherwise to explain his presence or his status as such student, employee, parent or guardian, or "authorized" person referred to in Subsection (a) hereof.
- (C) All entrances to the school building referred to in Subsection (a) hereof shall be posted with a notice stating "Entry into School Building by Unauthorized Persons Prohibited". All school grounds referred to in Subsection (a) hereof shall be posted with a notice stating: "Entry upon School Grounds by Unauthorized Persons Prohibited".
- (18) **OPEN CISTERNS, WELL, BASEMENTS OR OTHER DANGEROUS EXCAVATIONS PROHIBITED.** No person shall have or permit, on any premises owned or occupied by him, any open cisterns, cesspools, wells, unused basements, excavations or other dangerous openings. All such places shall be filled, securely covered or fenced in such manner as to prevent injury to any person and any cover shall be of a design, size and weight that the same cannot be removed by small children.
- (19) **ABANDONED OR UNATTENDED ICE BOXES, 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 ice box, refrigerator or other container which has an airtight door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

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- (20) **POSTING BILLS PROHIBITED.** No person shall post any bill, notice or advertising on any utility pole within the City.
- (21) **GO-CARTS TO BE EQUIPPED WITH MUFFLERS.** All go-carts operated in the City shall be equipped with a muffler with at least two (2) baffles. Any go-cart operated in violation of this Section shall be confiscated by the police and kept until made to comply with this Section.
- (22) **PARKS AND PLAYGROUNDS; REGULATIONS IN.**
  - (A) No person shall dig up, mutilate or injure any grass, trees, shrubbery or flowers in the public parks of the City.
  - (B) No person shall in any way deface, mutilate, destroy or injure any building, beach, or fountain situated in the said parks and playgrounds.
  - (C) Possession and consumption of alcohol is permitted in the City parks during normal hours the parks are open. If there is disorderly conduct associated with the possession and consumption of alcoholic beverages in the City parks, the behavior will be sanctioned pursuant to the City's disorderly conduct ordinances.
  - (D) It shall be unlawful for any person to remain in a City park between the hours of sundown and sunup as defined by the National Weather Service, Dane County Airport – Truax Field, Madison, Wisconsin.
  - (E) It shall be unlawful for anyone to be present in a City park while in possession of a glass container the original purpose of which was to enable the distribution of alcoholic or non-alcoholic beverages.
  - (F) No person shall frequent or loiter about in the said parks between 11:00 p.m. and 6:00 a.m. This subsection does not prohibit passing through the park on walks during such hours but does prohibit the loitering therein.
- (24) **Urination in Public.** Public urination in anything other than a designated toilet facility shall be unlawful.
- (25) **Harboring or Assisting Minor Runaways Prohibited.**
  - (A) No person shall allow, permit or board any minor child at (or in) his/her residence, property or place of business where the person knows, or should have known, the child to be a runaway from his or her parents, guardian or legal custodian.
  - (B) No person shall assist a minor child in running away from his parents, guardian or legal custodian where the person knows, or should have known, the child to be running away, by providing him/her with transportation, monetary assistance, or any other assistance, in locating a place to which the minor child can abscond or where the minor child may stay without his/her parents' permission.
  - (C) Any person violating this ordinance shall, upon conviction, be required to forfeit not less than \$25.00 nor more than \$200.00 together with the costs of prosecution. Every day during which a violation occurs shall be considered a separate offense for penalty purposes.

#### 9.06 TRUANCY

- (1) **Authority.** Wisconsin Statutes Section 118.163(2) authorizes the City of Reedsburg to adopt a municipal truancy ordinance based on Juvenile Code Sections 48.01(9m), 48.13(6), 48.17(2)(a), 48.17(2)(d), 48.17(2)(g), and 48.342, Wisconsin Statutes.
- (2) **Definition.** For purposes of this ordinance:
  - (A) "Habitual Truant" means a pupil who is absent from school without an acceptable excuse for either of the following:

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1. Part or all of five or more days out of 10 consecutive days on which school is held during a school semester.
  2. Part or all of 10 or more days on which school is held during a school semester.
  - (B) "Acceptable Excuse" has the meaning as defined in Sections 118.15 and 118.16(4), Wisconsin Statutes.
- (3) The City of Reedsburg by this ordinance does prohibit any student within its jurisdiction from being a habitual truant as that term is defined in this ordinance. The Reedsburg Police Department is authorized to issue a municipal citation to any such student found within its jurisdiction who is determined to be habitually truant under the terms of this ordinance.
- (A) Prior to the issuance of any citation, the law enforcement personnel shall determine whether the school officials have done the following:
    1. Met with or attempted to meet with the child's parent or guardian to discuss the child's truancy.
    2. Provided an opportunity for educational counseling to the child and considered curriculum modifications.
    3. Evaluated the child to determine whether learning problems are a cause of the truancy and, if so, taken steps to overcome the learning problems.
    4. Conducted an evaluation to determine whether social problems are the cause of the child's truancy and, if so, taken appropriate action or made appropriate referrals.
  - (B) Any citation issued shall be returnable in the Circuit Court of Sauk County in the same manner as all ordinance citations are returnable. The citation is to state on its face that this is a "must appear" citation and no forfeiture amount is to be written on the face of the citation.
- (4) Disposition. Upon finding the child habitually truant, the following dispositions are available to the Court:
- (A) Suspend the child's operating privileges as defined in Section 340.01(40), Wisconsin Statutes, for not less than 30 not more than 90 days. The judge shall immediately take possession of the suspended license and forward it to the Department of Transportation of the State of Wisconsin, together with a notice setting forth the reason for and duration of the suspension.
  - (B) Order the child to remain at home except for the hours in which the child is attending religious worship or a school program including travel time required to get from the school program or place of worship. The order may permit a child to leave the home if the child is accompanied by a parent or guardian.
  - (C) Order the child to attend an educational program as set forth in Section 48.34(12), Wisconsin Statutes.
- (5) Contribution to Truancy.
- (A) Except as provided in (B), no person 18 years of age or older may, by an act or omission, knowingly encourage or contribute to the truancy, as defined in Section 118.16(1)(c), Wisconsin Statutes, of a child.
  - (B) Subsection (A) does not apply to a person who has under his or her control a child who has been sanctioned under Section 49.50(7)(h), Wisconsin Statutes.
  - (C) 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 the act or omission would be to cause the child to be truant.

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- (D) An action under this Section may be commenced by citation pursuant to Section 27 of this code.

### **9.07 General Penalty Provision (CREATED 9-24-07)**

For a violation of a section of this Chapter 9 for which a specific penalty is not provided, the forfeiture shall be not less than \$5.00 nor more than \$500.00 for each offense together with the costs of prosecution.

*Sections 9.08 and 9.09 are reserved for future use.*

### **9.10 BOND SCHEDULES**

A certified copy of bond schedules for the offenses set forth in this chapter shall be adopted and approved with the text as part of this ordinance and shall bear upon its face the attestation of the Clerk and the Chief of Police and shall be available to the public in the office of the Chief of Police. Changes thereafter to the bond schedule shall not be effective until entered and attested on the certified copy. Changes in the bond schedule shall be made by the Chief of Police with the approval of the Council. All approved changes shall be incorporated into the bond schedule and shall be available for public inspection.