

## TITLE 11

### Offenses and Nuisances

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## CHAPTER 1

### State Statutes Adopted

#### SEC. 11-1-1 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE.

The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the City provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture imposed under the general penalty provisions of this Code of Ordinances. Any future amendments, revisions or modifications of the Statutes incorporated herein by reference are intended to be made part of this Code.

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**SEC. 11-1-2 ESTABLISHING A PENALTY FOR USE OF TOBACCO PRODUCTS BY JUVENILES.**

Any child violating Section 938.983 of the Wisconsin Statutes as adopted and incorporated in Section 11-1-1 of the City of Green Lake Municipal Code shall upon conviction, forfeit an amount in accordance with the bond schedule as established by the State of Wisconsin.

## CHAPTER 2

### Offenses Against Public Safety and Peace

- 11-2-1 Regulation of Firearms, Explosives, and Other Missiles
- 11-2-2 Carrying Concealed Weapons Prohibited; Certain Weapons Prohibited
- 11-2-3 Safe Use and Transportation of Firearms and Bows
- 11-2-4 Sale and Discharge of Fireworks Restricted
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- 11-2-12 Possession of Controlled Substances
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- 11-2-14 Smoking Ban

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

- (a) **Discharge of Firearms.** No person, except a police officer or other law enforcement officer in the performance of an official duty, shall fire or discharge a firearm, rifle, spring gun, air gun or pneumatic pellet gun of any description, crossbow, or bow and arrow, within the city, except as set forth in subsections(c) and (d) of this section. Also, this section does not apply and may not be enforced if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in Wis. Stats. § 939.45. This section does not apply to Honorary Salutes done at Memorial Day Parades or Funerals.
- (b) **Shooting into City Limits.** No person shall, in the territory adjacent to the city, or in the city but in a conservancy zoning district, discharge any firearm in such a manner that the discharge shall enter or fall within a portion of the city not located in a conservancy zoning district.
- (c) **Shooting Ranges.** The provisions of this section shall not prevent the discharge of firearms, rifles, spring guns, air guns or pneumatic guns of any description, or bows and arrows, within a zoning district within the city limits, if the land upon which such activities are occurring is permitted as a shooting range under the zoning code.
- (d) **Conservancy Zoning District Exception.** The provisions of this section shall not prevent the discharge of firearms, rifles, spring guns, air guns or pneumatic guns of any description, or bows and arrows, within a conservancy

zoning district within the city limits and if the landowner of the land upon which such discharge takes place is specially permitted by the chief of police, or his or her designee, as follows:

- (1) Permits shall be issued to landowners only, whereby a permit issued to a landowner shall allow discharge for the specific purposes described in the permit, as authorized hereunder, by the permit holder, or his or her guests or invitees.
- (2) Permits shall only be for discharge on a minimum of five contiguous, undeveloped acres of land under common ownership. *Undeveloped* shall mean having no structures which would require a building permit under the city's building code if in the city limits.
- (3) Permits shall be effective for a one-year time period or until such time as any of the following occur:
  - a. The permitted landowner no longer holds title to the land identified in the permit;
  - b. Circumstances change whereby any of the other requirements of this section 11-2-1 (d) are no longer being complied with; or
  - c. Circumstances change whereby the conditions or restrictions of the permit as imposed by the chief of police, or his designee, are no longer being complied with.
- (4) Permits shall be obtained by submitting a written application to the chief of police, or his or her designee, on a form prepared by the chief of police, or his or her designee. The chief of police, or his or her designee, may require such information from the applicant, or place any conditions or restrictions on the permitted applicant, as reasonably necessary to enforce the terms of this section, and to ensure, to the chief's or his or her designees satisfaction, that the permitted activities will not present an unreasonable safety hazard to the permit holder, his or her guests or invitees, or the general public.
- (5) There shall be a fee charged for a permit issued hereunder at the rate of \$25.00.
- (6) The chief of police, or his or her designee, shall have the power to revoke or temporarily suspend a permit issued hereunder if, in his or her opinion, the activities of the permit holder, or the permit holder's guests or invitees, are not in compliance with the terms and conditions of this section 11-2-1(d) or the permit granted, or circumstances have changed from the date of initial permit issuance whereby the permitted activities will constitute an unreasonable safety hazard to the permit holder, his or her guests or invitees, or the general public. Further, any permit granted hereunder may be revoked temporarily suspended by the chief of police, or his or her designee, if the permit holder, or the permit holder's guests or invitees, violate any other city

ordinance as a result of or during the permitted activities hereunder. The decision of the chief of police, or his or her designee, to revoke or suspend a permit hereunder shall be final, subject only to review by the common council under Wis. Stats. ch.68.

- (e) **Explosive Devices.** No person shall discharge or detonate any dynamite, nitroglycerin or other explosive within the city without first obtaining a permit to do so from the city.
- (f) **Throwing or Shooting of Arrows, Stones or 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 other person or at, in, or into any building, street, sidewalk, alleys, highway, park, playground, or other public place within the City of Green Lake.
- (g) **Definitions.** For purposes of this Section, a firearm is defined as any instrumentality from or with which a shot, bullet or pellet may be discharged or expelled, regardless of whether the propelling force is provided by air, spring, or other similar mechanical device, or gun power.

**SEC. 11-2-2 FIREARMS IN PUBLIC BUILDINGS: CERTAIN WEAPONS PROHIBITED.**

- (a) Pursuant to Wis. Stats. 943.13(1m)(c)4, no person shall enter or remain in any part of a building owned, occupied or controlled by the State or local governmental unit if the State or local government unit has notified the person not to enter or remain in the building while carrying a firearm or a specific type of firearm.
- (b) The Director of Public Works shall cause signs to be erected at all entrances to all buildings owned, occupied or under the control of the City of Green Lake providing notice that no person is to enter or remain in any such building while carrying a firearm. Such signs shall be five inches by seven inches or larger.
- (c) Nothing in this subsection shall be construed to apply to prohibit a peace officer or armed forces or military personnel armed in the line of duty or any person duly authorized by the Chief of Police to possess a firearm in any public building. Notwithstanding Wis. Stats. 939.22(22), for purposes of this paragraph, peace officer does not include a commission warden who is not a State certified commission warden. Nothing in this subsection shall be construed to authorize the carrying of any firearm or dangerous weapon contrary to Wis. Stats. 941.23 or 941.235.
- (d) **Possession, Sale, and Manufacture of Certain Weapons Prohibited.**
  - (1) No person shall sell, manufacture, purchase, possess, or carry a "Numchuk" (also called a "Nunchaku") or a "Churkin" or a "Sucbai" or similar weapon within the City of Green Lake.

- (2) For the purpose of this Section, the following definitions shall apply:
  - a. "Numchuk" or "Nunchaku." An instrument consisting of two (2) or more sticks, clubs, or rods connected by a rope, cord, wire, or chain.
  - b. "Churkin." A round throwing knife consisting of several sharp points protruding from a rounded disc.
  - c. "Sucbai." A short length of wood or metal or similar material which, when gripped in the hand, protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
- (3) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.

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

- (a) **Definitions.** In this Section:
  - (1) Aircraft has the meaning given under Sec. 114.002(3), Wis. Stats.
  - (2) Encased means enclosed in a case that is expressly made for the purpose of containing a firearm and that is completely zipped, snapped, buckled, tied or otherwise fastened with no part of the firearm exposed.
  - (3) Firearm means a weapon that acts by force of gunpowder.
  - (4) Handgun has the meaning given under Sec. 175.60(1)(bm), Wis. Stats.
  - (5) Highway has the meaning given under Sec. 340.01(22), Wis. Stats.
  - (6) Motorboat has the meaning given under Sec. 30.50(6), Wis. Stats.
  - (7) Roadway has the meaning given under Sec. 340.01(54), Wis. Stats.
  - (8) Unloaded means any of the following:
    - a. Having no shell or cartridge in the chamber of a firearm or in the magazine attached to a firearm.
    - b. In the case of a cap lock muzzle-loading firearm, having the cap removed.
    - c. In the case of a flint lock muzzle-loading firearm, having the flashpan cleaned of powder.
    - d. In the case of an electronic ignition muzzle-loading firearm, having the battery removed and disconnected from the firearm.
  - (9) Vehicle has the meaning given under Sec. 340.01(74), Wis. Stats., but includes a snowmobile, as defined under Sec. 340.01(58A), Wis. Stats., an all-terrain vehicle, as defined under Sec. 340.01(2g), Wis. Stats., and an electronic personal assistive mobility device, as defined in Sec. 340.01(15pm), Wis. Stats.
- (b) **Prohibitions; Motorboats and Vehicles; Highways and Roadways.**
  - (1) Except as provided in Subsection (c), no person may

place, possess, or transport a firearm, bow or crossbow in or on a motorboat with the motor running, unless one of the following applies:

- a. The firearm is unloaded or is a handgun.
- b. The bow does not have an arrow nocked.
- c. The crossbow is not cocked or is unloaded and enclosed in a carrying case.

(2) Except as provided in Subsection (c), no person may place, possess or transport a firearm, bow or crossbow in or on a vehicle, unless one of the following applies:

- a. The firearm is unloaded or is a handgun.
- b. The bow does not have an arrow nocked.
- c. The crossbow is not cocked or is unloaded and enclosed in a carrying case.

(3) Except as provided in Subsection (c), no person may load a firearm, other than a handgun, in a vehicle or discharge a firearm or shoot a bolt or an arrow from a bow or crossbow in or from a vehicle.

(4) Except as provided in Subsection (c)(1), no person may discharge a firearm or shoot a bolt or an arrow from a bow or crossbow from or across a highway or within fifty (50) feet from the center of a roadway.

(c) **Exceptions.**

(1) Subsections (b)(1) and (2) does not apply to any of the following who, in the line of duty, place, possess, transport, load or discharge a firearm in, on or from a vehicle, motorboat or aircraft or discharge a firearm from or across a highway or within fifty (50) feet of the center of a roadway:

- a. A member of the U.S. Armed Forces
- b. A member of the National Guard.
- c. A private security person who meets all of the following requirements:
  1. He or she holds either a private detective license issued under s. 440.26(2)(a)2 or a private security permit issued under s. 440.26(5)
  2. He or she holds a certificate of proficiency to carry a firearm issued by the Department of Safety and Professional Services.
  3. He or she is performing his or her assigned duties or responsibilities.
  4. He or she is wearing a uniform that clearly identifies him or her as a private security person.
  5. His or her firearm is in plain view, as defined by rule by the Department of Safety and Professional Services.

(2) Subsection (b)(2)(a) does not apply to a firearm that is placed or possessed on a vehicle that is stationary.

(3) a. Subsections (b)(1), (3) and (4) do not apply to a peace officer who, in the line of duty, loads or



discharges a firearm in, on or from a vehicle, motorboat or aircraft or discharges a firearm from or across a highway or within 50 feet of the center of a roadway.

- b. Subsections (b) (2) does not apply to a peace officer who places, possesses or transports a firearm in or on a vehicle, motorboat or aircraft while in the line of duty.
  - c. Subsection (b) (2) does not apply to a person employed as a peace officer who places, possesses or transports a firearm in or on a vehicle while traveling in the vehicle from his or her residence to his or her place of employment as a peace officer.
- (4) Subsections (b) (3) and (4) and (c) (5) do not apply to the discharge of a firearm if the actor's conduct is justified or, had it been subject to a criminal penalty, would have been subject to a defense described in s. 939.45.
  - (5) Subsections (b) (1), (2) and (3) do not apply to the holder of a scientific research license under s. 169.25 or a scientific collector permit under s. 29.614 who is using a net gun or tranquilizer gun in an activity related to the purpose for which the license or permit was issued.

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

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

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

- (a) **Obstructing Streets.** No person shall obstruct, loiter, cause a nuisance or engage in any sport or exercise on any public street, sidewalk, bridge or public ground within the City in such a manner as to:
  - (1) Prevent or obstruct the free passage of pedestrian or vehicular traffic thereon;
  - (2) Prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place; or
  - (3) Cause a nuisance by congregating and hindering the free passage of pedestrian or vehicular traffic.
- (b) **Obstructing Sidewalk Prohibited.** No person shall block any sidewalk or bridge by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk

without leaving the sidewalk and walking on adjacent property or on the street.

- (c) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
  - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Green Lake.
  - (3) Obstruct. To interfere with unobstructed travel by any means, including but not limited to standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such sidewalk.
  - (4) Sidewalk. Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, office building sites or any other private property.

#### **SEC. 11-2-6 LOITERING PROHIBITED.**

- (a) **Public Property Loitering Prohibited.**
- (1) No person shall loiter in or about any public street, public sidewalk, street crossing, alley, bridge, public parking lot or other place of assembly or public use after being requested to move by any police officer.
  - (2) Upon being requested to move, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (b) **Private Property Loitering Prohibited.**
- (1) No person shall loiter in or about any private premises or adjacent doorways or entrances or upon private property held out for public use, including, but not limited to, business or industry parking lots or shopping malls without invitation from the owner or occupant or by any person in authority at such places.
  - (2) Upon being requested to move by any such person in authority or by any police officer, a person shall immediately comply with such request by leaving the premises or area thereof at the time of the request.
- (c) **Loitering or Prowling Prohibited.** No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself or manifestly endeavors to conceal himself or any object. Unless flight by the person or other circumstances makes it impracticable, a police or

peace officer shall, prior to any arrest for an offense under this Section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting him to identify himself and explain his presence and conduct. No person shall be convicted of an offense under this Subsection if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if believed by the police or peace officer at the time, would have dispelled the alarm.

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

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

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

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

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

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

(f) **No Loitering on the Deacon Mills Park Bandshell.**

(1) No person shall skateboard, rollerblade, engage in handball, place or ride a bicycle or otherwise loiter on any part of the Bandshell structure in Deacon Mills Park.

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

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

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

(1) Horns, signaling devices. The sounding of any horn or signaling device on any automobile, motorcycle or other

vehicle on any street or public place in the City for longer than three (3) seconds in any period of one (1) minute or less, except as a danger warning; the creation of any unreasonable loud or harsh sound by means of any signaling device and the sounding of any plainly audible device for an unnecessary and unreasonable period of time; the use of any signaling device except one operated by hand or electricity; the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up.

- (2) Radios, phonographs, similar devices. The using, operating or permitting to be played, used or operated any radio receiving set; musical instrument, phonograph or other machine or device for the producing or reproducing of sound in a loud and unnecessary manner. The operation of any set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in a manner as to be plainly audible at the property line of the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (3) Loudspeakers, amplifiers for advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting attention of the public to any building or structure. Announcements over loudspeakers can only be made by the announcer in person and without the aid of any mechanical device.
- (4) Animals, birds. The keeping of any animal or bird which causes frequent or long continued unnecessary noise.
- (5) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of fire or danger or upon request of proper City authorities.
- (6) Exhausts. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine or motor boat except through a muffle or other device which will effectively prevent loud or explosive noises therefrom.
- (7) Construction or repair of buildings. The erection (including excavation), demolition, alteration or repair of any building, as well as the operation of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist, or any other similar equipment attended by loud or unusual noise, other than between the hours of 7:00 a.m. and 10:00 p.m. on weekdays; provided, however, the Chief of Police shall have the

authority, upon determining that the loss of inconvenience which would result to any party in interest would be extraordinary and of such nature as to warrant special consideration, to grant a permit for a period necessary within which time such work and operation may take place within the hours of 10:00 p.m. to 7:00 a.m.

- (8) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, or institution of learning, church or court while in use, or adjacent to any hospital, which unreasonably interferes with the normal operation of that institution, or which disturbs or unduly annoys patients in the hospital provided that conspicuous signs are displayed in those streets indicating a school, hospital or court street.
- (9) The provisions of this Section shall not apply to:
- a. Any vehicle of the City while engaged in necessary public business.
  - b. Excavations or repairs of streets or other public construction by or on behalf of the City, County, or State at night when public welfare and convenience renders it impossible to perform such work during the day.
  - c. The reasonable use of amplifiers or loudspeakers in the course of public addresses or City sponsored events which are noncommercial in nature.

#### **SEC. 11-2-8 DISORDERLY CONDUCT.**

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

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

- (a) **Unauthorized Presence.**

- (1) No student who is under suspension, expulsion, or other disciplinary procedures excluding him from attending any school located within the City or any person not a student presently enrolled or not an employee of such schools or not a parent or guardian of a student, or not an otherwise "authorized person," shall be present within any school building or upon any school grounds without having first secured authorization to be there from the principal or other person in charge of the school building or school grounds, except while in direct route to secure such authorization.
  - (2) Any unauthorized person who shall come upon school property and refuses to leave upon request by the school principal or any person acting under the direction of the school principal, in addition to violating Subsection (a) (1), shall be guilty of trespass.
  - (3) "Authorized person" shall include:
    - a. Any person who is present at any school building or school grounds for the purpose previously authorized by the school or their designee;
    - b. Any person transporting a student and who utilizes the driveway specified for loading and unloading personnel;
    - c. Any person utilizing a designated area for attending an athletic or other organized school event.
- (b) **Disorderly Conduct on Public School Property.**
- (1) No person shall, on any school property or building, engage in violent, abusive, loud or otherwise disorderly conduct which causes or provokes an immediate disturbance of public order or disturbs or annoys any other person; nor shall a person intentionally engage in any fight, brawl, riot or noisy altercation other than a bona fide athletic contest.
  - (2) Non-students, students from schools other than the school on the property or students from a school who are not in compliance with the School System's published rules and regulations shall be considered in violation of this Section. The published rules and regulations of the School System are incorporated as if fully set forth herein.
  - (3) All entrances to the school buildings referred to in Subsection (a) shall be posted with a notice stating "Entry Into School Building by Unauthorized Person Prohibited."
  - (4) "Unauthorized presence" shall include any vehicle that is found on school property which has not received permission to be there. If the occupants or owners are not on school property for some legitimate business or activity or are parked in an area that regulates parking to certain authorized vehicles, they are in violation. Such vehicle may be issued a City summons that regulates

parking or may be towed away at the direction of the school principal or person in charge of such school building. Law enforcement officers may also have any vehicle towed away which, because of its location, creates a hazard to life or property.

- (c) **Loitering Near School Prohibited.** No person not in official attendance or on official school business shall enter into, congregate, loiter or cause a nuisance in any school building in the City of Green Lake or upon any School District grounds or within adjacent posted school zones on any day when such schools are in session.
- (d) **Possession of Intoxicating Liquor and Fermented Malt Beverages.** No person shall possess intoxicating liquor or fermented malt beverages while on any school property.
- (e) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended.
  - (1) Loiter. To sit, stand, loaf, lounge, wander or stroll in an aimless manner or to stop, pause or remain in an area for no obvious reason.
  - (2) Nuisance. Unnecessary conduct which may tend to annoy, intimidate, threaten or otherwise disturb another in or about any public street, sidewalk, bridge or public ground which is offensive to the public morals or decency of the citizens of the City of Green Lake.
- (f) **Prohibiting Tobacco Products on School Premises.**
  - (1) Definitions, in this Section:
    - Cigarette has the meaning given in Section 139.30(1), Wisconsin Statutes.
    - Tobacco Products has the meaning given in Section 139.75(12), Wisconsin Statutes. School building or school grounds include all property owned by, rented by or under the contract of the School District of Green Lake, Wisconsin.
  - (2) No person shall chew and/or smoke tobacco products or chew and/or smoke cigarettes in a school building or on school grounds except the school district may allow the use of tobacco products or cigarettes on premises owned by the school district and rented to another person for non educational purposes.
  - (3) Any person violating any provisions of this Ordinance shall forfeit not more than ten dollars (\$10.00) together with all related court costs.

**SEC. 11-2-10 TRUANCY, HABITUAL TRUANCY, CONTRIBUTING TO TRUANCY & DROP-OUTS.**

- (a) **Definitions.** As used in this section, the following definitions shall apply:
  - (1) "Truant" means a pupil who is absent from school without an acceptable excuse under Sections 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) "Habitual Truant" means a pupil who is absent from

school without an acceptable excuse under Sections 118.15 and 118.16(4), Wis. Stats., for part or all of five or more days on which school is held during a school semester.

- (3) "Drop-out" has the meaning given in Section 118.153 (1)(b), Wis. Stats.

(b) **Truancy Prohibited.**

- (1) No person within the city limits of the City of Green Lake who is under eighteen (18) years of age may be truant from school.
- (2) The following dispositions shall be available to the Court upon a finding of a violation of sub-section (b) (1):
- a. An order for the person to attend school.
  - b. A forfeiture of not more than \$50.00 plus costs for a first violation, or a forfeiture of not more than \$100.00 plus costs for any second or subsequent violation committed within twelve (12) months of a previous violation, subject to Section 938.37, Wis. Stats., and subject to a maximum cumulative forfeiture amount of not more than \$500.00 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. However, a parent or guardian shall not be assessed if the violating child has been sanctioned under Section 49.26(2)(h), or if the parent proves that he or she is unable to comply because of disobedience of the child.
- (3) A person who is under seventeen (17) years of age on the date of disposition is subject to Section 938.342.

(c) **Habitual Truancy Prohibited.**

- (1) No person within the city limits of the City of Green Lake who is under eighteen (18) years of age may be habitually truant from school.
- (2) The following dispositions shall be available to the Court upon a finding of a violation of subsection (c) (1):
- a. Suspension of the person's operating privilege for not less than thirty (30) days nor more than one (1) 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 Section 938.34(5g). The cost 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. However, a parent or guardian shall not be



assessed if the violating child has been sanctioned under Section 49.26(2)(h), or if the parent proves that he or she is unable to comply because of disobedience of the child.

- 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 or her 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 Section 938.34(7d).
  - e. An order for the Department of Work Force Development to revoke, under Section 103.72, a permit under Section 103.70 authorizing the employment of the person.
  - f. An order for the person to be placed in a teen Court program as described in Section 938.342(1g)(1).
  - g. An order for the person to attend school.
  - h. A forfeiture of not more than Five Hundred Dollars (\$500.00) plus costs, subject to Section 938.37. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both. However, a parent or guardian shall not be assessed if the violating child has been sanctioned under Section 49.26(2)(h), or if the parent proves that he or she is unable to comply because of disobedience of the child.
  - i. Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going to or remaining on specific premises and restrictions on associating with other children or adults.
  - j. An order placing the person under formal or informal supervision, as described in Section 938.34(2), for up to one (1) year.
  - k. 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 attend school with the person, or both.
- (3) A person who is under seventeen (17) years of age on the date of disposition is subject to Section 938.342.

(d) **Contributing to Truancy Prohibited.**

- (1) Except as provided in subsection (d)(2) below, any person eighteen (18) years of age or older, who, by an act or omission, knowingly encourages or contributes to the truancy, as defined under Section 118.16(1)(c), of a child shall be subject to penalties as described in Section 1-1-7 of the Code of Ordinances.
- (2) Subsection (d)(1) above 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), Wis. Stats.

- (3) An act or omission contributes to the truancy of a child, whether or not the child is adjudged to be in need of protection or services, if the natural and probable consequences of that act or omission would be to cause the child to be a truant.

(e) **Parental Responsibility.**

- (1) Unless the child is excepted or excused under Section 118.15, Wis. Stats., or has graduated from high school, any person having under control a child who is between the ages of six (6) and eighteen (18) years shall cause the child to attend school regularly during the full period of hours, religious holidays excepted, that the public or private school in which the child should be enrolled is in session until the end of the school term, quarter or semester of the school year in which the child becomes eighteen (18) years of age.
- (2) a. A person found to have violated Subsection (e)(1) above, after evidence is provided by a school official that the activities under Section 118.16 (5), Wis. Stats., have been completed, shall be subject to a forfeiture pursuant to Section 1-1-7.  
b. Subsection (e)(2)(a) above 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), Wis. Stats., nor does it apply if the person proves that he or she is unable to comply with Subsection (e)(1) because of the disobedience of the child.

(f) **Drop-outs Prohibited.**

- (1) No person within the city limits of the City of Green Lake under eighteen (18) years of age may drop out of school.
- (2) The following dispositions shall be available to the Court upon a finding of a violation of subsection (a):
  - a. Except as provided in subsection (b) below, the Court may suspend the operating privilege of a person who is at least sixteen (16) years of age but not less than eighteen (18) years of age until the person 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.
  - b. The Court may enter an order making any of the dispositions specified under Section 938.342(1g) if the Court finds that suspension of the person's operating privilege, as defined in Section 340.01 (40), until the person reaches the age of eighteen (18) would cause undue hardship to the person or the person's family.
- (3) A person who is under seventeen (17) years of age on the date of disposition is subject to Section 938.342.

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

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

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

- (a) **Controlled Substances.** It shall be unlawful for any person to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161 of the Wisconsin Statutes.
- (b) **Possession of Marijuana.** No person shall possess any amount of marijuana, tetra-hydrocannabinoids or any derivative thereof, unless the substance was obtained directly from, or pursuant to a valid prescription or order of, a licensed physician or pharmacist for a valid medical purpose.
- (c) **Possession of Drug Paraphernalia.**
  - (1) No person may use, or possess with 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 as defined in Chapter 161 of the Wisconsin Statutes.
  - (2) The definitions of Drug Paraphernalia and primarily as set forth in Section 161.571 of the Wisconsin Statutes and as amended or modified in the future are hereby adopted and by reference made a part of this section.

State Law Reference: Chapter 161, Wis. Stats.

**SEC. 11-2-13 POSSESSION OF ALCOHOL OR SMOKING IN CITY OWNED OR LEASED BUILDINGS**

- (1) **Definitions:**
  - a. "Smoking" - means carrying a lighted cigar, cigarette, pipe, or any other lighted smoking equipment.
  - b. "Alcohol Beverage" - means fermented malt beverages and intoxicating liquor as defined in Section 125.02(6) and (8) of the Wisconsin Statutes and hereafter amended.
- (2) **Prohibited Practices:**
  - a. No person shall smoke in or possess or consume any alcohol beverage in any fully enclosed building owned, leased or otherwise operated by or on behalf of the City of Green Lake at any time.
  - b. Exception: This Ordinance does not apply to the personal living quarters of the Campground Manager located in Hattie Sherwood Park. The Green L Brooklyn Fire Commission may designate smoking areas within the firehouse in accordance with the

Clean Air Act.

(3) **Penalties and Enforcement:**

- a. Any person who shall violate any provision of this Section of the Code, shall, upon conviction thereof, forfeit not less than Ten Dollars (\$10.00), nor more than Fifty Dollars (\$50.00), for each violation, together with all applicable costs and/or assessments. Citations may be issued for violation of this Section of the General Code.

**SEC. 11-2-14 SMOKING**

- (a) Intent and purpose: The City Council of the City of Green Lake hereby finds that:
1. It is recognized and found that smoking of cigarettes and tobacco products is hazardous to an individual's health and may affect the health of nonsmokers when they are involuntarily in the presence of smoking.
  2. The American Lung Association has stated that marijuana (THC-tetrahydrocannabinol) smoke contains many of the same toxins, irritants, and carcinogens as tobacco smoke and secondhand marijuana smoke contains many of the same toxins as directly inhaled marijuana (THC) smoke.
  3. While electronic delivery devices are currently unregulated by the United States Food and Drug Administration, the use by and sale to children of electronic delivery devices containing nicotine ("Nicotine products") is prohibited by Wisconsin law and City of Green Lake ordinance.
  4. Several other states, counties, and municipalities have already taken action to prohibit the use of electronic delivery devices in certain locations.
  5. The American Cancer Society Cancer Action Network advocates for smoke-free-laws, including electronic delivery devices and supposed nicotine-free electronic delivery devices, in all workplaces to protect workers and the public from the harmful effects of secondhand exposure and states that preliminary studies indicate that nonusers can be exposed to the same potentially harmful chemicals as users, including nicotine, ultrafine particles and volatile organic compounds, which could be especially problematic for children, pregnant women, and people with heart disease.
  6. A 2009 study by the United States Food and Drug Administration found cancer-causing substances in several of the electronic delivery devices tested and found nicotine in some electronic delivery devices that claimed to contain no nicotine.
  7. This chapter incorporates by reference as if fully set forth herein verbatim the factual findings of the states, counties, and municipalities that have investigated, documented, and/or made independent findings and conclusions concerning the health effects and concerns arising from and/or pertaining to smoking as defined in this chapter.
  8. This chapter is adopted for the purpose of protecting the public health, safety, comfort and general welfare of the people of the City of Green Lake, especially recognizing the rights of nonsmokers who constitute a majority of the population; educating citizens affected by this ordinance; and assisting individuals and persons in charge in maintaining compliance.

- (b) Adoption of statutory provisions. The City hereby adopts the provisions of SS 101.123, Smoking Prohibited, Wis. Stats., in their entirety and any subsequent amendments or iterations thereafter. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed.
- (c) Definitions. Terms used in this section have the following meanings:
1. ELECTRONIC DELIVERY DEVICE – means any product containing or delivering nicotine or any other substance intended for human consumption that may be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. “Electronic delivery device” shall include any such, device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
  2. SMOKING – means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe, or any other lighted or heated tobacco or plant product intended for inhalation, including hookahs and marijuana (THC) or any controlled substance, whether natural or synthetic, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Chapter.
- (d) Prohibition against smoking. No person may use electronic delivery devices within 25 feet of an entrance to a school building. A “school building” is a building under the control of a school board.
- (e) Exceptions. The prohibition against smoking in 11-2-14(b) does not apply to the following:
1. A private residence
  2. A retail tobacco store that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
  3. A tobacco bar that is in existence on June 3, 2009, and in which only the smoking of cigars and pipes is allowed.
  4. A retail electronic delivery device store may provide and permit the use of electronic delivery devices and accessories for the purpose of sampling.
- (f) Violations and penalties. A violation of this ordinance relating to the prohibition of smoking in various enclosed places or any provisions of this ordinance shall be \$100.00 for each violation except that the forfeiture for a “person in charge” cannot exceed \$100.00 per day. Moreover, as prescribed by State Statutes, a warning notice shall be issued to the “person in charge” for the first violation.

## CHAPTER 3

### Offenses Against Property

11-3-1	Destruction of Property Prohibited
11-3-2	Littering Prohibited
11-3-3	Abandoned Refrigerators Prohibited
11-3-4	Theft of Library Material
11-3-5	Cemetery Regulations
11-3-6	Damage to Public Property
11-3-7	Retail Theft
11-3-8	Issuance of Worthless Checks
11-3-9	Penalties

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

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

#### SEC. 11-3-2 LITTERING PROHIBITED.

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

- (3) Litter picked up at litterer's expense. If any person, firm, corporation or association fails to pick up any litter as required by Subsection (b)(1) within the time specified, the City shall arrange to have the same picked up by City crews or by private enterprise. Applicable bidding procedures shall be used for any arrangements for the use of private enterprise to pick up such litter. The entire expense of picking up such litter, together with an additional charge of twenty percent (20%) for administrative expenses, shall be charged to the person, firm, corporation or association that did the littering. If such sum is not promptly paid, steps shall be taken, with the advice of the City Attorney's office, to collect the same. This charge shall be in addition to any forfeiture or other penalty for violation of this Section.
- (c) **Depositing of Materials Prohibited.** It shall be unlawful for any person to deposit, cause or permit to be deposited, placed or parked any vegetation, grass, leaves, foliage, earth, sand, gravel, water, snow, ice, debris, waste material, foreign substance, construction materials, equipment or object upon any street, sidewalk or public property without authorization of the Common Council or Director of Public Works pursuant to the provisions of this Code of Ordinances, or upon any private property without the consent of the owner or lessee of the property. Any person who deposits, causes or permits to be deposited, placed or parked any such materials, equipment or objects upon any street, sidewalk or property shall be responsible to properly mark or barricade the area so as to prevent a safety hazard.
- (d) **Handbills.**
- (1) Scattering Prohibited. It shall be unlawful to deliver any handbills or advertising material to any premises in the City except by being handed to the recipient, placed on the porch, stoop or entrance way of the building or firmly affixed to a building so as to prevent any such articles from being blown about, becoming scattered or in any way causing litter.
- (2) Papers in Public Places Prohibited. It shall be unlawful to leave any handbills, advertising materials or newspapers unattended in any street, alley, public building or other public place, provided that this shall not prohibit the sale of newspapers in vending machines.

### **SEC. 11-3-3 ABANDONED REFRIGERATORS PROHIBITED.**

No person shall leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control in a place accessible to children any abandoned, unattended or discarded ice box, refrigerator or other container which has an airtight door or

lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device from said ice box, refrigerator or container, unless such container is displayed for sale on the premises of the owner or his agent and is securely locked or fastened.

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

- (a) **Definitions.** For the purposes of this Section, certain words and terms are defined as follows:
- (1) Archives. A place in which public or institutional records are systematically preserved.
  - (2) Library. Means any public library, library of an educational or historical organization or society or museum, and specifically the public libraries within the City of Green Lake and school libraries.
  - (3) Library Material. Includes any book, plate, picture photograph, engraving painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, or other tapes, artifacts or other documents, written or printed materials, regardless of physical form of characteristics belonging to, on loan to or otherwise in the custody of the library.
- (b) **Possession Without Consent Prohibited.** Whoever intentionally takes and carries away, transfers, conceals or retains possession of any library material without the consent of a library official, agent or employee and with intent to deprive the library of possession of the material may be subject to a forfeiture as provided by the general penalty provisions of this Code. The failure to return library material after its proper return date, after written notice from the library and City Attorney, shall be deemed to be theft. Notice shall be considered given when written notice is mailed to the last known address of the person with the overdue material; the notice date shall be the date of mailing.
- (c) **Concealment.** The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.
- (d) **Detention Based on Probable Cause.** An official or adult employee or agent of a library who has probable cause for believing that a person has violated this Section in his or her presence may detain the person in a reasonable manner for a reasonable length of time to deliver the person to a



peace officer or to the person's parent or guardian in the case of a minor. The detained person shall be promptly informed of the purpose of the detention and be permitted to make telephone calls, but shall not be interrogated or searched against his or her will before the arrival of a peace officer who may conduct a lawful interrogation of the accused person.

Compliance with this Section entitles the official, agent or employee effecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.

- (e) **Damaging Material Prohibited.** No person shall mar, deface or in any other way damage or mutilate any library material.
- (f) **Return Demanded.** No person shall fail, on demand, to return any library material when such demand has been made in accordance with the rules and regulations duly made and adopted by the library.

State Law Reference: Section 943.61, Wis. Stats.

#### **SEC. 11-3-5 CEMETERY REGULATIONS.**

- (a) **Purpose and Definition.** In order to protect cemetery areas within the City from injury, damage or desecration, these regulations are enacted. The term "cemetery" as hereinafter used in this Section shall include all cemetery property, grounds, equipment and structures, both privately and publicly owned, which are located within the City of Green Lake.
- (b) **Authority to Establish Rules and Regulations.** The cemetery property owner shall have the authority to establish reasonable rules and regulations to regulate and govern the operation of any cemetery in accordance with state law and this Code of Ordinances. The cemetery property owner shall reserve the right to prohibit and regulate the planting or placement of any flowers, plants, vines, shrubs, trees, flower pots, urns or other objects on cemetery property. Placements of any such plantings, containers or objects shall be in accordance with established regulations of the cemetery property owner.
- (c) **Specific Regulations.**
  - (1) Disturbing Cemetery Property. No person shall cut, remove, damage or carry away any flowers, plants, vines, shrubs or trees from any cemetery lot or property except the owner of the cemetery lot or a person with the cemetery lot owner's consent or any cemetery employee or representative engaged in official cemetery duties for the cemetery owner; nor shall any person without proper authority remove, deface, mark or damage in any manner any cemetery markers, headstones, monuments, fences or structures; nor shall any person without proper authority remove, damage or destroy any vases, flower pots, urns or other objects which have

been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the owner's consent.

- (2) Protection of Cemetery Property. No person shall trap in any cemetery without specific written authorization of the owner; nor shall any person kill, injure or disturb or attempt to injure or disturb, any animals, birds or waterfowl, wild or domestic within any cemetery in any manner except as provided by this Code of Ordinances; nor shall any person climb any tree, break, cut down, trample upon, remove or in any manner injure, deface, write upon or in any manner damage any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any cemetery. No picnic, parties, or similar gatherings are permitted.
- (3) Motor Vehicles. Motor vehicles are restricted to the roads and drives and parking areas. Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle on any cemetery property outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. It shall be unlawful for a person to engage in any off-roadway operation of a motorized vehicle on cemetery property without the owner's consent.
- (4) Speed Limit. No person shall operate any motorized vehicle in any cemetery in excess of fifteen (15) miles per hour unless otherwise posted.
- (5) Parking. No person, without the owner's consent, shall park any motor vehicle in any cemetery on any grassy or seeded area or upon any location except a designated parking area; nor shall any person park a motor vehicle on cemetery property for any purpose except engaging in official cemetery business. Any unlawfully parked motor vehicle may be towed or removed by the cemetery property owner at the vehicle owner's expense.
- (6) Littering Prohibited. No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any cemetery without the owner's consent.
- (7) Pets. Pets, including animals of any species, and horses are prohibited in any cemetery.
- (8) Sound Devices. No person shall operate or play any amplifying system or sound device in any cemetery without the owner's consent.
- (9) Authorized Notices. No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any cemetery, except cemetery regulations and other signs authorized by the owner. No person shall remove, deface or damage in any manner any official sign or notice posted in any cemetery.
- (10) Loitering Prohibited. No person shall loiter or cause a nuisance or engage in any sport or exercise on any

- cemetery property without the owner's consent.
- (11) Alcoholic Beverages Prohibited. No person shall consume or have in his possession any open container containing an alcohol beverage upon any cemetery property within the City unless the property is specifically named as being part of a licensed premises.
  - (12) Play Vehicles Prohibited. No person shall operate or make use of a play vehicle upon any cemetery property without the owner's consent. As used in this Section, a play vehicle shall mean any coaster, skateboard, roller skates, sled, toboggan, unicycle or toy vehicle upon which a person may ride.
  - (13) Presence After Hours Prohibited. No person shall be present upon any cemetery property without the owner's consent during posted hours when the cemetery is not open to the public.

Cross-Reference: Title 8, Chapter 4.

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

- (a) **Damaging Public Property.** No person shall climb any tree or pluck any flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove, or in any manner injure or deface, write upon, defile or ill use any tree, shrub, flower, flower bed, turf, fountain, ornament, statue, building, fence, apparatus, bench, table, official notice, sign, bridge, structure or other property within any park or parkway, or in any way injure, damage or deface any public building, sidewalk, or other public property in the City of Green Lake.
- (b) **Breaking of Street Lamps or Windows.** No person shall break glass in any street lamps or windows of any building owned or occupied by the City.

**SEC. 11-3-7 RETAIL THEFT.**

- (a) Whoever intentionally alters indicia of price or value of merchandise or takes and carries away, transfers, conceals or retains possession of merchandise held for resale by a merchant without consent and with intent to deprive the merchant permanently of possession or the full purchase price may be penalized as provided in Subsection (d).
- (b) The intentional concealment of unpurchased merchandise which continues from one floor to another or beyond the last station for receiving payments in a merchant's store is evidence of intent to deprive the merchant permanently of possession of such merchandise without paying the purchase price thereof.  
The discovery of unpurchased merchandise concealed upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing such goods.

- (c) A merchant or merchant's adult employee who has probable cause for believing that a person has violated this Section in his presence may detain such person in a reasonable manner for a reasonable length of time to deliver him to a peace officer, or to his parent or guardian if a minor. The detained person must be promptly informed of the purpose for the detention and may make phone calls, but he shall not be interrogated or searched against his will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. Compliance with this Subsection entitles the merchant or his employee affecting the detention to the same defense in any action as is available to a peace officer making an arrest in the line of duty.
- (d) If the value of the merchandise does not exceed One Hundred Dollars (\$100.00), any person violating this Section shall forfeit not more than Two Hundred Dollars (\$200.00). If the value of the merchandise exceeds One Hundred Dollars (\$100.00), this Section shall not apply and the matter shall be referred to the District Attorney for criminal prosecution.

State Law Reference: Section 943.50, Wis. Stats.

**SEC. 11-3-8 ISSUANCE OF WORTHLESS CHECKS.**

- (a) Whoever issues any check or other order for the payment of money less than Five Hundred Dollars (\$500.00) which, at the time of issuance, he or she intends shall not be paid is guilty of a violation of this Section.
- (b) Any of the following is prima facie evidence that the person at the time he or she issued the check or other order for payment of money intended it should not be paid:
  - (1) Proof that, at the time of issuance, the person did not have an account with the drawee; or
  - (2) Proof that, at the time of issuance, the person did not have sufficient funds or credit with the drawee and that the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order; or
  - (3) Proof that, when presentment was made within a reasonable time, the person did not have sufficient funds or credit with the drawee and the person failed within five (5) days after receiving notice of non-payment or dishonor to pay the check or other order.
- (c) This Section does not apply to a post-dated check or to a check given in past consideration, except a payroll check.
- (d) Any person violating any provisions of this Section shall forfeit not less than Fifty Dollars (\$50.00) if the worthless check is for an amount equal to or less than One Hundred Fifty Dollars (\$150.00) and shall forfeit not less than One Hundred Dollars (\$100.00) if the worthless check is an amount greater than One Hundred Fifty Dollars (\$150.00) and less than Five Hundred Dollars (\$500.00), together with

the costs of prosecution and, in default of payment, imprisonment in the County Jail until forfeiture and costs are paid but not to exceed sixty (60) days.

**SEC. 11-3-9 PENALTIES.**

(a) **Enforcement.**

- (1) Penalties. In addition to the general penalty of this Code in Section 1-1-7 or any other penalty imposed for violation of any Section of this Chapter, any person who shall cause physical damage to or destroy any public property shall be liable for the cost of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates Section 11-3-1 may also be held liable for the cost of replacing or repairing such damaged or destroyed property in accordance with the Wisconsin Statutes. Nothing in this Code of Ordinances shall prevent the Police Department from referring violations of the provisions of this Title to the District Attorney's office in the interest of justice.
- (2) Stipulation of Guilt or No Contest. Stipulations of guilt or no contest may be made by persons arrested for violations of the ordinances contained in this Chapter in accordance with Sec. 66.12(1)(b), Wis. Stats. Stipulations shall conform to the form contained on the Uniform Ordinance Citation. Stipulations may be accepted by the Police Department.
- (3) Deposits. Any person stipulating guilt or no contest under Subsection (2) shall deposit a forfeited penalty as provided in a schedule established by the Chief of Police and approved by the Common Council. Deposits may be brought or mailed to the office of the Police Department as directed by the arresting officer.

(b) **Attempt.**

- (1) Whoever attempts to commit an act prohibited by Title 11 of the Code of Ordinances of the City of Green Lake may be required to forfeit amounts not to exceed one-half (1/2) the maximum penalty for the completed act.
- (2) An attempt to commit an act prohibited by the ordinances in Title 11 requires that the actor have an intent to perform acts and attain a result which, if accomplished, would constitute a violation of these ordinances and that he does acts towards the commission of the violation which demonstrates unequivocally, under all the circumstances, that he formed that intent and would commit the violation except for the intervention of another person or some other extraneous factor.

(c) **Parties to Acts Prohibited in Title 11.**

- (1) Whoever is concerned in the commission of an act prohibited by Title 11 of this Code of Ordinances is a principle and may be charged with and convicted of the commission of said act 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 act prohibited by these ordinances.

- (2) A person is concerned in the commission of an act prohibited by these ordinances if he:
- a. Directly commits the act; or
  - b. Intentionally aids and abets the commission of it;  
or
  - c. Is a party to a conspiracy with another to commit it or advises, hires, counsels or otherwise procures another to commit it. Such a party is also concerned in the commission of any other act which is committed in pursuance of the intended violation and which, under the circumstances, is the natural and probable consequence of the intended violation. This paragraph does not apply to a person who voluntarily changes his mind and no longer desires that the act be committed and notifies the other parties concerned of his withdrawal within a reasonable time before the commission of the violation so as to allow the others also to withdraw.

## CHAPTER 4

### Offenses Involving Alcoholic Beverages

11-4-1	Outside Consumption
11-4-2	Sale to Underage or Intoxicated Persons Restricted
11-4-3	Underage Persons' Presence in Places of Sale; Penalty
11-4-4	Underage Persons; Prohibitions; Penalties
11-4-5	Defense of Sellers
11-4-6	Persons Who Have Attained the Legal Drinking Age; False or Altered Identification Cards
11-4-7	Possession of Alcohol Beverages on School Grounds
11-4-8	Adult Permitting or Encouraging Underage Violation
11-4-9	Solicitation of Drinks Prohibited

#### SEC. 11-4-1 OUTSIDE CONSUMPTION.

##### (a) **Alcoholic Beverages in Public Areas.**

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

(b) **Definitions.**

- (1) As used in this Section, the term "alcoholic beverage" shall include all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented, or not, and by whatever name called, as well as all liquors and liquids made by the alcoholic fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated or degerminated grains or sugar, which contain one-half (1/2) of one percent (1%) or more of alcohol by volume and which are fit for use for beverage purposes.
- (2) As used in this Section, the term "public area" shall be construed to mean any location within the City which is open to access to persons not requiring specific permission of the owner to be at such location including all parking lots serving commercial establishments.
- (3) As used in this Chapter "underage persons" shall mean any person under the legal drinking age as defined by the Wisconsin Statutes.

Cross Reference: Section 7-2-16.

**SEC. 11-4-2 SALE TO UNDERAGE OR INTOXICATED PERSONS RESTRICTED.**

(a) **Sales of Alcohol Beverages to Underage Persons.**

- (1) No person may procure for, sell, dispense or give away any fermented malt beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age, or procure for, sell, dispense or give away any intoxicating liquor to any underage person.
- (2) No license or permittee may sell, vend, deal or traffic in fermented malt beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age or sell, vend, deal or traffic in intoxicating liquor to or with any underage person.

(b) **Penalties.** A person who commits a violation of Subsection (a) above is subject to a forfeiture of:

- (1) Not more than Five Hundred Dollars (\$500.00) if the person has not committed a previous violation within twelve (12) months of the violation; or
- (2) Not less than Two Hundred Dollars (\$200.00) nor more than Five Hundred Dollars (\$500.00) if the person has committed a previous violation within twelve (12) months of the violation.
- (3) In addition to the forfeitures provided in Subsections (1) and (2) above, the Common Council shall suspend any license issued under Title 7 of this Code to a person violating this Section pursuant to Section 125.07(1)(b) 3, Wis. Stats.



- (c) **Sale of Alcohol Beverages to Intoxicated Persons.**
- (1) No person may procure for, sell, dispense or give away alcohol beverages to a person who is intoxicated.
  - (2) No licensee or permittee may sell, vend, deal or traffic in alcohol beverages to or with a person who is intoxicated.
- (d) **Penalties.** Any person who violates Subsection (c) above shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00) or imprisoned for not more than sixty (60) days or both.

State Law Reference: Section 125.07, Wis. Stats.

**SEC. 11-4-3 UNDERAGE PERSONS' PRESENCE IN PLACES OF SALE;  
PENALTY.**

- (a) **Restrictions.** An underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premises for which a license or permit for the retail sale of alcohol beverages has been issued for any purpose except the transaction of business pertaining to the licensed premises with or for the licensee or his or her employee. The business may not be amusement or the purchase, receiving or consumption of edibles or beverages or similar activities which normally constitute activities of a customer of the premises. This paragraph does not apply to:
- (1) An underage person who is a resident, employee, lodger or boarder on the premises controlled by the proprietor, licensee or permittee of which the licensed premises consists or is a part.
  - (2) An underage person who enters or is on a "Class A" retail intoxicating liquor premises for the purpose of purchasing edibles or beverages other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
  - (3) Hotels, drug stores, grocery stores, bowling alleys, car operated by any railroad, regularly established athletic fields, stadiums or public facilities as defined in Sec. 125.51(5)(b)1.d, Wis. Stats., which are owned by a county or municipality.
  - (4) Premises in the state fair park, concessions authorized on state-owned premises in the state parks and state forests as defined or designated in Chs. 27 and 28, Wis. Stats., and parks owned or operated by agricultural societies.
  - (5) Ski chalets, golf clubhouses and private tennis clubs.

- (6) Premises operated under both a Class "B" fermented malt beverage or "Class B" alcohol beverage license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a Class "B" or "Class B" license or permit and a restaurant permit, the principal business conducted is presumed to be a sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
- (7) An underage person who enters or remains on a Class "B" or "Class B" premises for the purpose of transacting business at an auction or market as defined in Sec. 125.32(4)(b)1, Wis. Stats., if the person does not enter or remain in a room where alcohol beverages are sold or furnished.
- (8) An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served for the purpose of engaging in marching or drilling with a group of other persons if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection. An underage person may enter and remain on Class "B" alcoholic beverage or "Class B" fermented malt beverage premises under this Subsection only if the municipality which issued the Class "B" fermented malt beverage or "Class B" alcoholic beverage license adopts an ordinance permitting underage persons to enter and remain on the premises as provided in this Subsection and the law enforcement agency responsible for enforcing the ordinance issues to the Class "B" alcoholic beverage or "Class B" fermented malt beverage licensee a written authorization permitting underage persons to be present under this Subsection on the date specified in the authorization. Before issuing the authorization, the law enforcement agency shall make a determination that the presence of underage persons on the licensed premises will not endanger their health, welfare or safety or that of other members of the community. The licensee shall obtain a separate authorization for each date on which underage persons will be present on the premises.

- (b) **Penalties.** A licensee or permittee who directly or indirectly permits an underage person to enter or be on a licensed premises in violation of Subsection (a) is subject to a forfeiture of not more than Five Hundred Dollars (\$500.00).

**SEC. 11-4-4 UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.**

- (a) Any underage person who does any of the following is guilty

of a violation:

- (1) Procures or attempts to procure alcohol beverages.
  - (2) Knowingly possesses or consumes intoxicating liquor.
  - (3) Enters or is on licensed premises in violation of Section 11-4-3(a).
  - (4) Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permittee.
  - (5) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information.
  - (6) Makes, alters or duplicates an official identification card.
  - (7) Presents false information to an issuing officer in applying for an official identification.
  - (8) Intentionally carries an identification card or other documentation showing that the person has attained the legal drinking age, with knowledge that the documentation is false.
  - (9) Provides to another underage person an official identification card or other documentation purporting to show that the other underage person has attained the legal drinking age, with knowledge that the documentation is false.
- (b) Any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes fermented malt beverage is guilty of a violation.
- (c) Any person violating Subsections (a) or (b) is subject to the following penalties:
- (1) For a first violation, a forfeiture of not more than Fifty Dollars (\$50.00), suspension of the person's operating privilege as provided under Sec.343.30(6)(b)1, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
  - (2) For a violation committed within twelve (12) months of a previous violation, either a forfeiture of not more than One Hundred Dollars (\$100.00), suspension of the person's operating privilege as provided under Sec. 343.30(6)(b)2, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
  - (3) For a violation committed within twelve (12) months of two (2) or more previous violations, either a forfeiture of not more than One Hundred Fifty Dollars (\$150.00), revocation of the person's operating

- privilege under Sec. 343.30(6)(b)3, Wis. Stats., participation in a supervised work program under Subsection (d) or any combination of these penalties.
- (d) (1) If the Court orders a person to participate in a supervised work program under Subsection (d), the Court shall set standards for the program within the budgetary limits established by the Common Council. The program may provide the person with reasonable compensation reflecting the market value of the work performed, or it may consist of uncompensated community service work and shall be administered by the County Department of Public Welfare or a community agency approved by the court.
  - (2) The supervised work program shall be of a constructive nature designed to promote the person's rehabilitation, shall be appropriate to the person's age level and physical ability and shall be confined with counseling from an agency staff member or other qualified person. The program may not conflict with the person's regular attendance at school. The amount of work required shall be reasonably related to the seriousness of the person's offense.
- (e) When a court revokes or suspends a person's operating privilege under Subsection (c), the Department of Transportation may not disclose information concerning or relating to the revocation or suspension to any person other than a court, district attorney, county corporation counsel, city, village or town attorney, law enforcement agency or the person whose operating privilege is revoked or suspended. A person entitled to receive information under this paragraph may not disclose the information to any other person or agency.
  - (f) A person who is under eighteen (18) years of age on the date of disposition is subject to Sec. 48.344, Wis. Stats., unless proceedings have been instituted against the person in a court of civil or criminal justice after dismissal of the citation under Sec. 48.344(3), Wis. Stats.
  - (g) Subsections (a) and (b) do not prohibit an underage person employed by a licensee or permittee from possessing fermented malt beverages during the brewing process or for sale or delivery to customers.
  - (h) Subsections (a) and (b) do not prohibit an underage person employed by a brewery, a winery or a facility for the rectifying or manufacture of intoxicating liquor or the production of fuel alcohol from possessing alcohol beverages during regular working hours and in the course of employment.

#### **SEC. 11-4-5 DEFENSE OF SELLERS.**

- (a) **Defenses.** Proof of the following facts by a seller of alcohol beverages to an underage person is a defense to any prosecution for a violation of this Section:
  - (1) That the purchaser falsely represented in writing and

supported with other documentary proof that he or she had attained the legal drinking age.

- (2) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the legal drinking age.
- (3) That the sale was made in good faith and in reliance on the written representation and appearance of the purchaser in the belief that the purchaser had attained the legal drinking age.

- (b) **Book Kept by Licensees and Permittees.** Every retail alcohol beverage licensee or permittee shall cause a book to be kept for the purpose of this Subsection. The licensee or permittee or his or her employee shall require any person who has shown documentary proof that he or she has attained the legal drinking age to sign the book if the person's age is in question. The book shall show the date of the purchase of the alcohol beverages, the identification used in making the purchase, the address of the purchaser and the purchaser's signature.

State Law Reference: Section 125.07(6) and (7), Wis. Stats.

**SEC. 11-4-6 PERSONS WHO HAVE ATTAINED THE LEGAL DRINKING AGE;  
FALSE OR ALTERED IDENTIFICATION CARDS.**

- (a)
  - (1) Any person who has attained the legal drinking age, other than one authorized by Sec. 125.08 or Sec. 343.50, Wis. Stats., who makes, alters or duplicates an official identification card, who provides an official identification card to an underage person or who knowingly provides other documentation to any underage person purporting to show that the underage person has attained the legal drinking age may be subject to a forfeiture of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) upon conviction.
  - (2) Any person who has attained the legal drinking age who, in applying for an identification card, presents false information to the issuing officer may be fined not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) or imprisoned not more than ten (10) days or both.
- (b) Any underage person who does any of the following is subject to the penalties specified under Section 11-4-4(c) or (d):
  - (1) Intentionally carries an official identification card not legally issued to him or her, an official identification card obtained under false pretenses or an official identification card which has been altered or duplicated to convey false information. A law enforcement officer shall confiscate any card that violates this Subsection.
  - (2) Makes, alters or duplicates an official identification card.

- (3) Presents false information to an issuing officer in applying for an official identification card.

State Law Reference: Section 125.09(3), Wis. Stats.

**SEC. 11-4-7 POSSESSION OF ALCOHOL BEVERAGES ON SCHOOL GROUNDS PROHIBITED.**

- (a) In this Subsection:
  - (1) "Motor Vehicle" means a motor vehicle owned, rented or consigned to a school.
  - (2) "School" means a public, parochial or private school which provides an educational program for one (1) or more grades between grades 1 and 12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.
  - (3) "School Administrator" means the person designated by the governing body of a school as ultimately responsible for the ordinary operations of a school.
  - (4) "School Premises" means premises owned, rented or under the control of a school.
- (b) Except as provided by Subsection (c) no person may possess or consume alcohol beverages:
  - (1) On school premises;
  - (2) In a motor vehicle, if a pupil attending the school is in the motor vehicle; or
  - (3) While participating in a school-sponsored activity.
- (c) Alcohol beverages may be possessed or consumed on school premises, in motor vehicles or by participants in school-sponsored activities if specifically permitted in writing by the school administrator consistent with applicable laws and ordinances.
- (d) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00), except that Sec. 48.344, Wis. Stats., and Section 11-4-4(c) and (d) of this Code of Ordinances provide the penalties applicable to underage persons.

Cross-Reference: Section 11-5-5.

**SEC. 11-4-8 ADULT PERMITTING OR ENCOURAGING UNDERAGE VIOLATION.**

- (a) No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the person or under the person's control. This Subsection does not apply to alcohol beverages used exclusively as part of a religious service.
- (b) No adult may intentionally encourage or contribute to a violation of Section 11-4-4(a) or (b).
- (c) A person who violates this Section is subject to a forfeiture of not more than Two Hundred Dollars (\$200.00).

State Law Reference: Section 125.07(1)(a)3 and 4, Wis. Stats.

**SEC. 11-4-9 SOLICITATION OF DRINKS PROHIBITED.**

Any licensee, permittee or bartender of a retail alcohol beverage establishment covered by a license or permit issued by the City who permits an entertainer or an employee to solicit a drink of any alcohol beverage defined in Section 125.02(1) of the Wisconsin Statutes, or any other drink from a customer on the premises, or any entertainer or employee who solicits such drinks from any customer is deemed in violation of this Section.

## CHAPTER 5

### Offenses by Juveniles

- 11-5-1 Curfew
- 11-5-2 Possession of Controlled Substances by Juveniles
- 11-5-3 Petty Theft by Juveniles
- 11-5-4 Receiving Stolen Goods
- 11-5-4.1 Prohibiting Purchase or Possession of Tobacco Products By Juveniles
- 11-5-5 City Jurisdiction Over Persons 14 through 17 Years of Age
- 11-5-6 Enforcement and Penalties

#### SEC. 11-5-1 CURFEW.

(a) **Definitions.**

- (1) "City" means City of Green Lake, Wisconsin.
- (2) "Curfew Hours" means the hours from 11:00p.m.-5:00a.m. Sunday through Thursday for the period beginning the day after Memorial Day through Labor Day of each year; from 10:00 p.m. through 5:00a.m. Sunday through Thursday for the period beginning the day after Labor Day through Memorial Day of each year; and from 12:00 midnight to 5:00a.m. for all Fridays and Saturdays throughout the year.
- (3) "Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to: a fire, a natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury (defined below) or loss of life.
- (4) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to: any place of amusement or entertainment.
- (5) "Guardian" means:
  - a. A person who, under court order, is the guardian of the person or a minor; or
  - b. A public or private agency with whom a minor has been placed by a court.
- (6) "Minor" means any person under 18 years of age.
- (7) "Operator" means any entity, individual, firm, association, partnership or cooperation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officer of a corporation.
- (8) "Parent" means a person who is:
  - a. A natural parent, adoptive parent or step-parent to another person; or
  - b. At least 18 years of age and authorized by a parent or guardian to have the care and custody of



a minor.

- (9) "Public Place" means any area generally visible to public view and includes, but is not limited to: streets, tree banks, sidewalks, alleys, parks, vacant lots, driveway, parking lots and buildings open to the general public and the doorways, entrances and common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops and the grounds enclosing them and any other public place.
- (10) "Serious Bodily Injury" means any bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

(b) **Violations.**

- (1) A minor commits a violation if he/she remains in any public place or on the premises of any establishment within the City during curfew hours.
- (2) A parent or guardian of a minor commits a violation if knowingly permits, or by insufficient control, allows the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- (3) The owner, operator, or any employee of an establishment commits a violation if he/she knowingly allows a minor to remain upon the premises of the establishment during curfew hours. This section shall not apply to the owner, operator or employee of an establishment that promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(c) **Exceptions.**

It is not a violation under this Ordinance if the minor was:

- (1) Accompanied by the minor's parent or guardian;
- (2) On an errand at the direction of the minor's parent or guardian without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in any employment activity or going to or returning home from an employment activity without detour or stop;
- (5) Involved in an emergency;
- (6) Attending an official school, religious or other recreational activity supervised by adults and sponsored by any city, county, village or town, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official city, village or town, county, a civic organization or another similar entity that takes responsibility for the minor;
- (7) Going to, or attending or returning home from a movie theatre, without any detour or stop;
- (8) Exercising First Amendment rights protected by the United States Constitution or the Wisconsin

Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly;

(9) Coming directly home from a private home which has been approved by the minor's parent or legal guardian, or;

(10) Married.

(d) **Enforcement.**

Before taking any enforcement action under this Ordinance, a law enforcement officer shall ask the offender's age and reason for being in the public place or establishment. The officer shall not issue a citation under this section unless the officer reasonably believes that a violation has occurred and that, based on any response and other circumstances, no exception in subsection (c) is present. A minor believed to be violating the provisions of this section may be taken to the police department for proper identification. Every law enforcement officer, while on duty, may, in his/her discretion detain any minor violating subsection (b) above until such time as the parent, guardian or other adult person having legal custody of the minor is notified and the person so notified shall, as soon as reasonably possible thereafter, report to the police department for the purpose of taking the minor into custody and such person shall sign a release for the minor if so requested by the officer. If the parent, legal guardian or other adult person having the care, custody or control of such minor is unavailable, unwilling or unable to provide supervision for the minor, a law enforcement officer may release the minor to a responsible adult, and verbally counsel or issue a warning or citation as may be appropriate.

(e) **Penalties.**

Any person who violates a provision of this Ordinance is guilty of a separate violation for each day or part of a day during which the violation is committed, continue or permitted. Each violation, upon conviction, is punishable by a forfeiture of not less than twenty-five (\$25.00) dollars no more than three hundred (\$300.00) dollars, plus costs and assessments except for a second conviction within a 12-month period the minimum forfeiture shall be \$75.00, plus costs and assessments; for a third conviction within a 12-month period the minimum forfeiture shall be \$100.00, plus costs and assessments; for a fourth or subsequent violation within a 12-month period the minimum forfeiture shall be \$150.00, plus costs and assessments.

(f) **Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction such portion(s) shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion(s) thereof.

**SEC. 11-5-2 POSSESSION OF CONTROLLED SUBSTANCES BY JUVENILES.**

It shall be unlawful for any person under the age of eighteen (18)

to possess a controlled substance contrary to the Uniform Controlled Substances Act, Chapter 161, of the Wisconsin Statutes.

**SEC. 11-5-3 PETTY THEFT BY JUVENILES.**

It shall be unlawful for any person under the age of eighteen(18), with intent, to steal or take property from the person or presence of the owner without the owner's consent and with the intent to deprive the owner of the use thereof.

**SEC. 11-5-4 RECEIVING STOLEN GOODS.**

It shall be unlawful for a person under the age of eighteen (18) to intentionally receive or conceal property he knows to be stolen.

**SEC. 11-5-4.1. PROHIBITING PURCHASE OR POSSESSION OF TOBACCO PRODUCTS BY JUVENILES.**

- (1)
  - (a) **"Cigarette"** has the meaning given in Sec. 139.30(1) of the Wisconsin Statutes.
  - (b) **"Law Enforcement Officer"** has the meaning given in Sec. 30.50(4s) of the Wisconsin Statutes.
  - (c) **"Tobacco Products"** has the meaning given in Sec. 139.75 (12) of the Wisconsin Statutes.
- (2) **Except as Provided in Sub. (3), no Person Under the Age of Eighteen (18) May Do Any of the Following:**
  - (a) Buy or attempt to buy any cigarette or tobacco product.
  - (b) Falsely represent his or her age for the purpose of receiving any cigarette or tobacco product.
  - (c) Possess any cigarette or tobacco product.
- (3) **A Person Under the Age of Eighteen (18) May:**

Purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his or her working hours if employed by a retailer licenses under Sec. 134.65(1) of the Wisconsin Statutes.
- (4) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Sub. (2) committed in his or her presence.

**SEC. 11-5-5 CITY JURISDICTION OVER PERSONS 14 THROUGH 17 YEARS OF AGE.**

- (a) **Adoption of State Statute.** Section 48.17(2), Wis. Stats., is hereby adopted and by reference made a part of this Section as if fully set forth herein.
- (b) **Provisions of Ordinance Applicable to Persons 14 through 17 Years of Age.** Subject to the provisions and limitations of Section 48.17(2), Wis. Stats., complaints alleging a violation of any provision of this Code of Ordinances against persons 14 through 17 years of age may be brought on behalf of the City of Green Lake and may be prosecuted utilizing the same procedures in such cases as are applicable to adults charged with the same offense.

- (c) **No Incarceration as Penalty.** The Court shall not impose incarceration as a penalty for any person convicted of an offense prosecuted under this Section.
- (d) **Additional Prohibited Acts.** In addition to any other provision of the City of Green Lake Code of Ordinances, no person age 14 through 17 shall own, possess, ingest, buy, sell, trade, use as a beverage, give away or otherwise control any intoxicating liquor or fermented malt beverage in violation of Chapter 125, Wis. Stats.
- (e) **Penalty for Violations of Subsection (d).** Any person 14 through 17 years of age who shall violate the provisions of Subsection (d) shall be subject to the same penalties as are provided in Section 1-1-7 of these Ordinances exclusive of the provisions therein relative to commitment in the County Jail.  
Cross-Reference: Section 11-4-7.

**SEC. 11-5-6 ENFORCEMENT AND PENALTIES.**

- (a) **Citation Process.** For violations of Sections 11-5-2 through 11-5-5, juveniles may be cited by the citation process on a form approved by the City Attorney and shall contain on the reverse side the penalties that the juvenile may receive simultaneously with issuing the citation to the juvenile. A carbon copy will be mailed to the parent or legal guardian.
- (b) **Penalties.** Violations of Sections 11-5-2 through 11-5-5 by a person under the age of eighteen (18) shall be punishable according to Sections 48.17(2), 48.343, 48.344, and 48.345 of the Wisconsin Statutes. Nothing in this Section shall prevent the juvenile officer, in his discretion, from referring cases directly to the District Attorney's office.

## CHAPTER 6

### Public Nuisances

11-6-1	Public Nuisances Prohibited
11-6-2	Public Nuisances Defined
11-6-3	Public Nuisances Affecting Health
11-6-4	Public Nuisances Offending Morals and Decency
11-6-5	Public Nuisances Affecting Peace and Safety
11-6-6	Abatement of Public Nuisances
11-6-7	Cost of Abatement

#### **SEC. 11-6-1 PUBLIC NUISANCES PROHIBITED.**

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

#### **SEC. 11-6-2 PUBLIC NUISANCE DEFINED.**

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

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

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

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

- (a) **Adulterated Food.** All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) **Unburied Carcasses.** Carcasses of animals, birds or fowl not intended for human consumption or foods which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
- (c) **Breeding Places for Vermin, Etc.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
- (d) **Stagnant Water.** All stagnant water in which mosquitoes, flies, or other insects can multiply.
- (e) **Garbage Cans.** Garbage cans which are not fly-tight.
- (f) **Noxious Weeds.** All noxious weeds and other rank growth of vegetation.

- (g) **Water Pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- (h) **Noxious Odors, Etc.** Any use of property, substances or things within the City or within four (4) miles thereof or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- (i) **Street Pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- (j) **Animals at Large.** All animals running at large.
- (k) **Accumulations of Refuse.** Accumulations of old cans, lumber, elm firewood and other refuse.
- (l) **Air Pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the limits or within one (1) mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.

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

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

- (a) **Disorderly Houses.** All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.
- (b) **Gambling Devices.** All gambling devices and slot machines, except as permitted by state law.
- (c) **Unlicensed Sale of Liquor and Beer.** All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for the ordinances of the City.
- (d) **Continuous Violation of City Ordinances.** Any place or premises within the City where City Ordinances or state laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.
- (e) **Illegal Drinking.** Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or ordinances of the City.

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

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

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

- (l) **Open Excavations.** All open and unguarded pits, wells, excavations or unused basements accessible from any public street, alley or sidewalk.
- (m) **Abandoned Refrigerators.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (n) **Flammable Liquids.** Repeated or continuous violations of the Ordinances of the City or laws of the State relating to the storage of flammable liquids.
- (o) **Unremoved Snow.** All snow and ice not removed or sprinkled with ashes, sawdust, sand or other chemical removers, as provided in this Code.

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

- (a) **Enforcement.** The Chief of Police, Director of Public Works, Building Inspector, the Chief of the Fire Department and the Common Council shall enforce those provisions of this Chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this Section to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.
- (b) **Summary Abatement.** If the inspecting officer shall determine that a public nuisance exists within the City and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Mayor, upon the recommendation of the appropriate department head, may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting, or maintaining the nuisance, as the case may be.
- (c) **Abatement After Notice.** If the inspecting officer shall determine that public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance to be removed as provided in Subsection (b).
- (d) **Other Methods Not Excluded.** Nothing in this Chapter shall be construed as prohibiting the abatement of public nuisances by the City or its officials in accordance with the laws of the State of Wisconsin.

**SEC. 11-6-7 COST OF ABATEMENT.**

In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a



public nuisance, the cost of abating a public nuisance by the City shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, such cost shall be assessed against the real estate as a special charge.

UPDATED AS OF 8/11/2023