CHAPTER 11
ORDERLY CONDUCT

(Chapter 11 repealed and recreated in entirety by Ord. #86-38, adopted 10/7/86 -- through Section 11.148.)

A. GENERAL PROVISIONS

11.01 -- Definitions
11.03 -- Attempt
11.05 -- Parties to Offense
11.07 -- Severability
11.08 -- Penalties and Bond Schedule

B. BODILY SECURITY

11.10 -- Battery
11.12 -- Disorderly Conduct Prohibited
11.14 -- (Repealed)
11.15 -- Unlawful Use of Computerized Communication Systems
11.16 -- Harassment
11.17 -- Harboring Runaways

C. PUBLIC HEALTH AND SAFETY

Vehicles

11.20 -- Off road Operation of Vehicles
11.22 -- Driving or Walking Upon Barricaded Areas
11.23 -- Motorized Vehicles Prohibited on Sidewalks
11.24 -- Prevent Deposits on Public Roadway
11.26 -- Cruising Prohibited on Main Street
11.28 -- Race Tracks

Weapons

11.30 -- Carrying Concealed Weapon
11.32 -- Discharging and Carrying Weapons
11.34 -- Throwing or Shooting Arrows, Stones and Other Missiles

Other Dangerous Practices

11.42 -- Cutting Holes in Ice on River
11.43 -- Wheeled Devices
11.44 -- Climbing on Railroad Cars
11.46 -- Diving or Jumping from Bridge
11.47 -- Jaywalking Prohibited
11.48 -- Sale and Discharge of Fireworks
   (1) State Law Adopted
   (2) Permits for Use of Fireworks

D. PROPERTY

11.50 -- Tampering with Water System
11.52 -- Tampering with Traffic Signs
11.54 -- (Repealed)
11.56 -- Damage to Property, General
11.58 -- Damage to Public Facilities
11.60 -- Deposits in Sewers
11.62 -- Hindering or Obstructing Repairs to Public Facilities
11.64 -- Littering
11.66 -- Dumping on Private Property
11.67 -- Damage To Property By Graffiti

Trespass

11.80 -- Trespassing on Municipal Parking Facilities
11.82 -- Trespass
11.84 -- Trespass on Business Parking Lots
11.86 -- Residential Picketing

Theft

11.90 -- Theft
11.92 -- Retail Theft
11.93 -- Refusal To Pay For Taxi-Cab Ride
11.94 -- Failure to Return Library Materials
11.96 -- Issue of Worthless Checks

E. GOVERNMENT AND LAW ENFORCEMENT

11.100 -- Resisting or Obstructing Officer
11.101 -- Harassment of Police Officer
11.102 -- Assisting Escape of Prisoner
11.103 -- False Swearing
11.104 -- False Alarms
11.105 -- False Reports
11.106 -- Impersonating Police Officer
11.108 -- Civil Emergencies
(1) Definitions
(2) Proclamation by Mayor
(3) Imposition of Curfew
(4) Additional Regulations
(5) Emergency Powers

F. PUBLIC PEACE, ORDER AND OTHER INTERESTS

11.110 -- Loitering
(1) Policy and Purpose
(2) Loitering or Prowling, Prohibited, Generally
(3) Obstruction of Traffic by Loitering
(4) Obstruction of Entryways by Loitering
(5) Loitering in Vicinity of Schools Premises
(6) Loitering on Roadways in Central Business District
(7) Loitering on Main Street Bridge
11.112 -- Curfew Hours for Minors
(1) Curfew Hours Imposed
(2) Work Travel
(3) Defenses
(4) Enforcement
(5) Penalties
(6) Adult Custodian Permitting Violation of Curfew
11.114 -- Distribution of Commercial Advertising Material
11.115 -- Annual Riverfest Celebration
   (1) Riverfest Celebration Commission
   (2) Location
   (3) Traffic Control
   (4) Fermented Malt Beverages
   (5) Regulation of Commercial Activities
   (6) Regulation of Non-Commercial Activities
11.116 -- Unlawful Use of Telephone
11.117 -- Habitual Truancy and Truancy
11.118 -- Contributing to Truancy
11.119 -- Regulation of Sexually Oriented Conduct

Noise

11.120 -- Loud and Unnecessary Noise
11.121 -- Sound From Motor Vehicle
11.122 -- Electrical Interference with Signal Reception
11.123 -- Unnecessary Blowing of Railroad Whistles and Horns

Animals

11.130 -- Animals
   (1) Animals Not to Run At Large
11.132 -- Harassment of Police Animals
11.133 -- Sale or Gift of Animals Prohibited
11.134 -- Removal of Animal Defecation

Gambling, Tobacco, Alcohol and Drugs

11.140 -- Gambling, Lotteries, Fraudulent Devices and Practices
11.141 -- Use of Tobacco Products in Taxicabs Prohibited
11.142 -- Use of Cigarettes and Tobacco Products Prohibited
11.143 -- Restrictions on Sale or Gift of Cigarettes or Tobacco Products
11.144 -- Possession of Alcohol Beverages on Public Ways
11.145 -- Use of Lodging Establishments
11.146 -- Possession of Marijuana
11.148 -- Instruments for Use with Controlled Substances
   (1) Intent
   (2) Definitions
   (3) Determination
   (4) Sale and Display of Instruments and Simulated Controlled Substances Prohibited
   (5) Possession of Instruments and Simulated Controlled Substances Prohibited
   (6) Manufacture or Delivery of Drug Paraphernalia
   (7) Enhanced Penalty Upon Delivery or Sale to a Minor
   (8) Exceptions
   (9) Seizure and Forfeiture of Instruments and Simulated Controlled Substances
   (10) Declaration of Nuisance
11.149 -- Smoking in Prohibited Places
G. PARK REGULATIONS

11.160 -- Title and Purpose
11.161 -- Applicability
11.162 -- Definitions
11.163 -- Rules of Conduct
11.164 -- Vehicles
11.165 -- Firearms and Weapons
11.166 -- Advertising, Assemblages, Entertainment
11.167 -- Sales Prohibited
11.168 -- Ignitable and Combustible Materials
11.171 -- Miscellaneous Conduct
11.172 -- Swimming Pools
11.173 -- Boating
11.174 -- Closing Hours
11.175 -- Park Use Suspension
11.177 -- Emergency Measures
11.178 -- Enforcement
11.190 -- Penalty
A. GENERAL PROVISIONS

11.01 DEFINITIONS. In this Chapter, the following words and phrases have the designated meaning unless the context of a specific section manifestly requires a different construction:

(1) **Air gun** means a weapon, which expels a missile by the expansion of compressed air or other gas. (Cr. #94-55)

(10) **Bodily Harm** means physical pain or injury, illness, or any impairment of physical condition.

(20) **Dangerous Weapon** means any firearm, whether loaded or unloaded; any device designed as a weapon and capable of producing death or great bodily harm; or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

(25) **Firearm** means any instrument used in the propulsion of a bullet, shot, slug or other projectile by the force or action of gunpowder exploded or burned in it. (Cr. #94-55)

(30) **Great Bodily Harm** means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(40) **Household Member** means a person currently or formerly residing in a place of abode with another person.

(45) **Hunting** means shooting, shooting at, pursuing, taking, catching or killing any mammal, bird, fish, or other creature of a wild nature. (Cr. #94-55)

(50) **Pedestrian** means any person on foot.

(60) **Roadway** means that portion of all public ways and thoroughfares and bridges on the same between the regularly established curb lines or that portion which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

(65) **Spring Gun** means a weapon which expels a missile by the action of a spring. (Cr. #94-55)

(85) **Unlawful Assembly** means an assembly which consists of three (3) or more persons and which causes such a disturbance of public order that it is reasonable to believe that the assembly will cause injury to persons or damage to property unless it is immediately dispersed, and includes, but is not limited to, an assembly of persons who assemble for the purpose of blocking or obstructing the lawful use by any other person or persons of any private or public thoroughfares, property or of any positions of access or exit to or from any private or public building, dwelling or other place.

(90) **Value** in reference to property means the market value at the time of the incident or the replacement cost within a reasonable time thereafter, whichever is less, except that the value of property held for resale by a merchant shall mean the stated price, or, in the case of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the stated price and the altered price.
ORDERLY CONDUCT 11.01 (95)

(95) Vehicle means every device in, upon or by which any person or property is or may be transported or drawn.

11.03 ATTEMPT. Any person who attempts a violation of this chapter shall be subject to one-half of the penalty provided for a completed violation. An attempt to commit a violation requires that the person have an intent to perform acts and attain a result which, if accomplished, would constitute such violation and that he does acts toward 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.

11.05 PARTIES TO OFFENSE. Whoever is concerned in the commission of a violation of this chapter is a principal and may be charged with and convicted of such violation 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 violation based on the same act, and shall be subject to the penalties contained in sec. 25.04 of this Code. A person is concerned in the commission of the violation if it is demonstrated unequivocally under all the circumstances that he intentionally aided and abetted the commission of it; or, with intent that a violation be committed, agrees or combines with another or others for the purpose of committing that violation, and an act is done to effect the violation.

11.07 SEVERABILITY. The provisions of this chapter are severable, and if any sentence, section or other part of this chapter should be found to be invalid, such invalidity shall not affect the remaining provisions and the remaining provisions shall continue in full force and effect.

11.08 PENALTIES. Any person, firm or corporation violating any provision of this chapter shall be penalized as provided in sec. 25.04 of this Code, unless otherwise indicated herein. (See Bond Schedule Tables on following pages.)
# Chapter 11 - Bond Schedule

Total deposit includes the shown forfeiture, the 26% penalty assessment, $10.00 jail assessment, $38.00 court costs and $13.00 crime lab fee. (A capital "M" indicates a mandatory appearance by the defendant.)


<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
<th>FORFEITURE</th>
<th>TOTAL DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. GENERAL PROVISIONS</strong></td>
<td>ALL VIOLATIONS BY PERSONS UNDER THE AGE OF 17:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ages 12, 13 and 14</td>
<td>$10.00</td>
<td>$73.60</td>
<td></td>
</tr>
<tr>
<td>Ages 15 and 16</td>
<td>$35.00</td>
<td>$105.10</td>
<td></td>
</tr>
<tr>
<td><strong>11.01 DEFINITIONS</strong></td>
<td></td>
<td></td>
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</tr>
<tr>
<td><strong>11.03 ATTEMPT:</strong> One-half the usual forfeiture + 26% + $10 + $13 + $38</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>11.05 PARTIES TO OFFENSE:</strong> Same as for co-defendant</td>
<td></td>
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<td></td>
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<tr>
<td><strong>B. BODILY SECURITY</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>11.10 BATTERY</strong> (Add $50 if involves domestic abuse.)</td>
<td>$350.00</td>
<td>$502.00</td>
<td></td>
</tr>
<tr>
<td><strong>11.12 DISORDERLY CONDUCT</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1) Tend to provoke disturbance/annoy</td>
<td>$50.00</td>
<td>$124.00</td>
<td></td>
</tr>
<tr>
<td>(2) Provoke or engage in fight/brawl</td>
<td>$250.00</td>
<td>$376.00</td>
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</tr>
<tr>
<td>(3) Disturb any lawful meeting</td>
<td>$50.00</td>
<td>$124.00</td>
<td></td>
</tr>
<tr>
<td>(4) In school</td>
<td>$50.00</td>
<td>$124.00</td>
<td></td>
</tr>
<tr>
<td><strong>11.15 UNLAWFUL USE OF E-MAIL OR OTHER COMPUTERIZED COMMUNICATION SYSTEMS</strong></td>
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<tr>
<td>(2)(a) Send message with intent to frighten, intimidate, threaten, abuse or harass threatening to inflict injury or harm to person or property of any person</td>
<td>$50.00</td>
<td>$124.00</td>
<td></td>
</tr>
<tr>
<td>(2)(b) Send message with intent to frighten, intimidate, threaten, abuse or harass threatening to inflict injury or harm to person or property of any person with the reasonable expectation the message will be received</td>
<td>$50.00</td>
<td>$124.00</td>
<td></td>
</tr>
<tr>
<td>(2)(c) Send message with intent to frighten, intimidate, threaten or abuse using obscene, lewd or profane language or suggesting lewd/lascivious act</td>
<td>$30.00</td>
<td>$98.80</td>
<td></td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
<td>FORFEITURE</td>
<td>TOTAL DEPOSIT</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>(2)(d)</td>
<td>Send a message with intent to frighten, intimidate, threaten or abuse using obscene, lewd or profane language or suggesting lewd/lascivious act with the reasonable expectation the message will be received</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(2)(e)</td>
<td>Send a message while preventing/attempting to prevent disclosure of identity with intent to frighten, intimidate, threaten or abuse</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(2)(f)</td>
<td>Send a message while preventing/attempting to prevent disclosure of identity with intent to frighten, intimidate, threaten or abuse with the reasonable expectation the message will be received</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(3)(a)</td>
<td>Send a message with intent to harass, annoy or offend another person using obscene, lewd or profane language or suggesting lewd/lascivious act</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(3)(b)</td>
<td>Send a message with intent to harass, annoy or offend another person using obscene, lewd or profane language or suggesting lewd/lascivious act with the reasonable expectation the message will be received</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(3)(c)</td>
<td>Send repeated messages to the same person with intent solely to harass</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(3)(d)</td>
<td>Send repeated messages to the same person intended solely to harass w/reasonable expectation messages will be received</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(3)(e)</td>
<td>Send a message with intent to harass or annoy while intentionally preventing/attempting to prevent disclosure of identity</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(3)(f)</td>
<td>Send a message with intent to harass or annoy while intentionally preventing/attempting to prevent disclosure of identity with the reasonable expectation the message will be received</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(3)(g)</td>
<td>knowingly permit or direct another to send a prohibited message on any computerized communication system that is under his or her control</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
</tbody>
</table>

11.16 HARRASSMENT

<table>
<thead>
<tr>
<th></th>
<th>FORFEITURE</th>
<th>TOTAL DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)(a) Strike/shove/kick - attempt/threaten to</td>
<td>$300.00</td>
<td>$439.00</td>
</tr>
<tr>
<td>(1)(b) Repeated acts which harass/intimidate</td>
<td>$200.00</td>
<td>$313.00</td>
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11.17 HARBORING A RUNAWAY

<table>
<thead>
<tr>
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<th>TOTAL DEPOSIT</th>
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<tbody>
<tr>
<td></td>
<td>$313.00</td>
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<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td>11.20</td>
<td>OFF-ROAD OPERATION OF VEHICLES.</td>
</tr>
<tr>
<td></td>
<td>(1) On city property without consent</td>
</tr>
<tr>
<td></td>
<td>(2) On school property without consent</td>
</tr>
<tr>
<td></td>
<td>(3) On private property without consent</td>
</tr>
<tr>
<td>11.22</td>
<td>DRIVING OR WALKING UPON BARRICADED AREAS</td>
</tr>
<tr>
<td>11.23</td>
<td>MOTORIZED VEHICLE</td>
</tr>
<tr>
<td></td>
<td>(2)(a) On public sidewalk</td>
</tr>
<tr>
<td></td>
<td>(2)(b) Motorized skates/scooter on street</td>
</tr>
<tr>
<td>11.24</td>
<td>FAIL TO PREVENT DEPOSITS ON STREETS</td>
</tr>
<tr>
<td>11.26</td>
<td>CRUISING ON MAIN STREET (College to Church Street)</td>
</tr>
<tr>
<td>11.28</td>
<td>RACE TRACKS</td>
</tr>
</tbody>
</table>

### C. HEALTH AND PUBLIC SAFETY

#### VEHICLES

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td></td>
<td>CARRYING CONCEALED WEAPON</td>
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#### WEAPONS

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<tr>
<th>SECTION</th>
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<tr>
<td>11.32</td>
<td>DISCHARGING AND CARRYING WEAPONS</td>
</tr>
<tr>
<td></td>
<td>(1) Discharge firearm, spring or air gun</td>
</tr>
<tr>
<td></td>
<td>(2) Possess/carry/control firearm in public (too many too list)</td>
</tr>
<tr>
<td></td>
<td>(2) Possess/carry/control firearm facsimile in public</td>
</tr>
<tr>
<td>11.34</td>
<td>THROW/SHOOT ARROWS, STONES, OTHER MISSILES</td>
</tr>
<tr>
<td></td>
<td>(1) Arrows/stones at person/occupied vehicle</td>
</tr>
<tr>
<td></td>
<td>(1) Other-causing injury/damage/high risk</td>
</tr>
<tr>
<td></td>
<td>(1) Snowballs/similar objects at person/thing</td>
</tr>
<tr>
<td></td>
<td>(1) Other-no injury/damage/risk</td>
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</table>

#### OTHER DANGEROUS PRACTICES

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>11.42</td>
<td>CUTTING HOLES IN ICE ON RIVER</td>
</tr>
<tr>
<td>11.43</td>
<td>USE WHEELED DEVICE WITHIN CENTRAL BUSINESS DISTRICT</td>
</tr>
<tr>
<td>11.44</td>
<td>CLIMBING ON RAILROAD CARS</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
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<tr>
<td>----------</td>
<td>------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>11.46</td>
<td>DIVING, JUMPING FROM, SITTING UPON, BRIDGES</td>
</tr>
<tr>
<td></td>
<td>Diving or jumping from</td>
</tr>
<tr>
<td></td>
<td>Sitting on</td>
</tr>
<tr>
<td>11.47</td>
<td>JAYWALKING ON MAIN STREET (College to Church Street)</td>
</tr>
<tr>
<td>11.48</td>
<td>SALE AND DISCHARGE OF FIREWORKS</td>
</tr>
<tr>
<td></td>
<td>(1) Sell fireworks</td>
</tr>
<tr>
<td></td>
<td>(1) Possess or use fireworks</td>
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<tr>
<td></td>
<td><strong>D. PROPERTY</strong></td>
</tr>
<tr>
<td></td>
<td><strong>DAMAGE</strong></td>
</tr>
<tr>
<td>11.50</td>
<td>TAMPERING WITH WATER SYSTEM</td>
</tr>
<tr>
<td>11.52</td>
<td>TAMPERING WITH TRAFFIC SIGNS</td>
</tr>
<tr>
<td></td>
<td>(1) Tamper - traffic/street-name sign/light</td>
</tr>
<tr>
<td></td>
<td>(2) Possess - traffic/street-name sign/light</td>
</tr>
<tr>
<td>11.56</td>
<td>DAMAGE TO PROPERTY</td>
</tr>
<tr>
<td>11.58</td>
<td>DAMAGE TO PUBLIC FACILITIES</td>
</tr>
<tr>
<td>11.60</td>
<td>DEPOSITS IN SEWERS</td>
</tr>
<tr>
<td>11.62</td>
<td>HINDER/OBSTRUCT REPAIRS TO PUBLIC FACILITIES</td>
</tr>
<tr>
<td>11.64</td>
<td>LITTERING</td>
</tr>
<tr>
<td></td>
<td>Throw/deposit glass upon public property</td>
</tr>
<tr>
<td></td>
<td>Throw/deposit other type of debris/waste matter</td>
</tr>
<tr>
<td>11.66</td>
<td>DUMPING ON PRIVATE PROPERTY</td>
</tr>
<tr>
<td>11.67</td>
<td>GRAFITTI</td>
</tr>
<tr>
<td></td>
<td>(2) Placing graffiti on property</td>
</tr>
<tr>
<td></td>
<td>(6) Owner fails to notify police</td>
</tr>
<tr>
<td></td>
<td>(7) Owner fails to timely remove/cover</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
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<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>11.80</td>
<td>TRESPASS ON MUNICIPAL PARKING FACILITIES</td>
</tr>
<tr>
<td></td>
<td>(1) Trespass unrelated to parking or business</td>
</tr>
<tr>
<td></td>
<td>(2) Remain on lot/vehicle after parking</td>
</tr>
<tr>
<td>11.82</td>
<td>TRESPASS, GENERALLY</td>
</tr>
<tr>
<td></td>
<td>Unposted Premises</td>
</tr>
<tr>
<td></td>
<td>(1)(a) Trespass to land</td>
</tr>
<tr>
<td></td>
<td>(1)(a) Trespass to non-residential building</td>
</tr>
<tr>
<td></td>
<td>(1)(a) Trespass to residential dwelling</td>
</tr>
<tr>
<td></td>
<td>Posted Premises</td>
</tr>
<tr>
<td></td>
<td>(1)(b) Trespass to land</td>
</tr>
<tr>
<td></td>
<td>(1)(b) Trespass to non-residential building</td>
</tr>
<tr>
<td></td>
<td>(1)(b) Trespass to residential dwelling</td>
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<tr>
<td></td>
<td>Enter Without Consent or Refuse to Leave (RTL)</td>
</tr>
<tr>
<td></td>
<td>(1)(c) Enter mobile home w/o consent or RTL</td>
</tr>
<tr>
<td></td>
<td>(1)(c) Enter vehicle/etc. w/o consent or RTL</td>
</tr>
<tr>
<td></td>
<td>Enter Lawfully and Refuse to Leave (RTL)</td>
</tr>
<tr>
<td></td>
<td>(1)(d) Enter land and refuse to leave</td>
</tr>
<tr>
<td></td>
<td>(1)(d) Enter non-residential building &amp; RTL</td>
</tr>
<tr>
<td></td>
<td>(1)(d) Enter residential dwelling &amp; RTL</td>
</tr>
<tr>
<td>11.84</td>
<td>TRESPASS ON BUSINESS PARKING LOTS</td>
</tr>
<tr>
<td>11.86</td>
<td>RESIDENTIAL PICKETING</td>
</tr>
<tr>
<td></td>
<td><strong>THEFT</strong></td>
</tr>
<tr>
<td>11.90</td>
<td>THEFT ($750.00 or less)</td>
</tr>
<tr>
<td></td>
<td>(1)(a) Ordinary theft</td>
</tr>
<tr>
<td></td>
<td>(1)(b) Fail Return Leased Goods. (MAND.APPEAR)</td>
</tr>
<tr>
<td></td>
<td>If restitution is made</td>
</tr>
<tr>
<td></td>
<td>If not: Value rounded to next $10 + $100 + costs</td>
</tr>
<tr>
<td>11.92</td>
<td>RETAIL THEFT ($750.00 or less)</td>
</tr>
<tr>
<td>11.93</td>
<td>REFUSAL TO PAY FOR TAXI RIDE</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>11.94</td>
<td>FAIL TO RETURN LIBRARY BOOKS (MANDATORY APPEARANCE)</td>
</tr>
<tr>
<td></td>
<td>If return or pay for books</td>
</tr>
<tr>
<td></td>
<td>If not: Value rounded to next $10 + $100 + costs</td>
</tr>
<tr>
<td>11.96</td>
<td>ISSUE WORTHLESS CHECKS (MANDATORY APPEARANCE)</td>
</tr>
<tr>
<td></td>
<td>If restitution is made</td>
</tr>
<tr>
<td></td>
<td>If not: Check rounded up to next $10 + $100 + costs</td>
</tr>
</tbody>
</table>

### E. GOVERNMENT AND LAW ENFORCEMENT

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
<th>FORFEITURE</th>
<th>TOTAL DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.100</td>
<td>RESISTING OR OBSTRUCTING OFFICER</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Resist officer</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td></td>
<td>Obstruct officer</td>
<td>$ 40.00</td>
<td>$ 111.40</td>
</tr>
<tr>
<td>11.101</td>
<td>HARASSING A POLICE OFFICER</td>
<td>$ 40.00</td>
<td>$ 111.40</td>
</tr>
<tr>
<td>11.102</td>
<td>ASSISTING ESCAPE OF PRISONER</td>
<td>$200.00</td>
<td>$313.00</td>
</tr>
<tr>
<td>11.103</td>
<td>FALSE SWEARING UNDER OATH OR AFFIRMATION</td>
<td>$150.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
<td>FORFEITURE</td>
<td>TOTAL DEPOSIT</td>
</tr>
<tr>
<td>----------</td>
<td>------------------------------------------------------------------------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>11.104</td>
<td>GIVE/SEND FALSE ALARM OF FIRE/OTHER EMERGENCY</td>
<td>$350.00</td>
<td>$502.00</td>
</tr>
<tr>
<td>11.105</td>
<td>FALSE REPORTS</td>
<td>$150.00</td>
<td>$250.00</td>
</tr>
<tr>
<td>11.106</td>
<td>IMPERSONATING POLICE OFFICER</td>
<td>$100.00</td>
<td>$187.00</td>
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<tr>
<td>11.108</td>
<td>CIVIL EMERGENCIES</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4) Violation - regulation ordered by Mayor</td>
<td>$200.00</td>
<td>$313.00</td>
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<tr>
<td></td>
<td>(5) Violation - provision invoked by Mayor</td>
<td>$200.00</td>
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**F. PUBLIC PEACE, ORDER AND OTHER INTERESTS**

**PUBLIC CONDUCT**

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
<th>FORFEITURE</th>
<th>TOTAL DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.110</td>
<td>LOITERING</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(2) Loitering or prowling prohibited, general</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td></td>
<td>(3) Obstruction of traffic by loitering</td>
<td>$ 20.00</td>
<td>$ 86.20</td>
</tr>
<tr>
<td></td>
<td>(4) Obstruction of entryways by loitering</td>
<td>$ 20.00</td>
<td>$ 86.20</td>
</tr>
<tr>
<td></td>
<td>(5) In school buildings/on adjacent grounds</td>
<td>$ 20.00</td>
<td>$ 86.20</td>
</tr>
<tr>
<td></td>
<td>(6) On Main St. roadway (College to Church St.)</td>
<td>$ 20.00</td>
<td>$ 86.20</td>
</tr>
<tr>
<td></td>
<td>(7) On Main Street bridge</td>
<td>$ 20.00</td>
<td>$ 86.20</td>
</tr>
<tr>
<td>11.112</td>
<td>CURFEW HOURS FOR MINORS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.112</td>
<td>(1) Curfew violation by minor, age 16 &amp; under</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) 1st offense (MANDATORY APPEARANCE)</td>
<td>---</td>
<td>----M</td>
</tr>
<tr>
<td></td>
<td>(1) Subsequent offenses</td>
<td>$ 30.00</td>
<td>$ 98.80</td>
</tr>
<tr>
<td></td>
<td>(6) Parent/Guardian permitting violation</td>
<td>$ 30.00</td>
<td>$ 98.80</td>
</tr>
<tr>
<td>11.114</td>
<td>DISTRIBUTE COMMERCIAL ADVERTISING MATERIALS</td>
<td>$ 80.00</td>
<td>$161.80</td>
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<tr>
<td>11.115</td>
<td>RIVERFEST CELEBRATION</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(4)(f) Carry alcohol bev. into/out of grounds</td>
<td>$ 60.00</td>
<td>$136.60</td>
</tr>
<tr>
<td></td>
<td>(5)(b) Unlicensed commercial activity</td>
<td>$120.00</td>
<td>$212.20</td>
</tr>
<tr>
<td></td>
<td>(6)(a) Use roller skates, boards, bikes, etc.</td>
<td>$ 30.00</td>
<td>$ 98.80</td>
</tr>
<tr>
<td></td>
<td>(6)(b) Disobey official sign on grounds</td>
<td>$ 30.00</td>
<td>$ 98.80</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
<td>FORFEITURE</td>
<td>TOTAL DEPOSIT</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>11.116</td>
<td>UNLAWFUL USE OF TELEPHONE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>Threatening injury to person or property</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>(2)</td>
<td>Lewd/profane language, suggest lewd act</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(3)</td>
<td>Repeated dialing with intent to harass</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(4)</td>
<td>Repeated calls with sole intent to harass</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(5)</td>
<td>Make 911 call w/o legitimate purpose</td>
<td>$200.00</td>
<td>$313.00</td>
</tr>
<tr>
<td>11.117</td>
<td>HABITUAL TRUANCY AND TRUANCY (MANDATORY APPEARANCE)</td>
<td><em><strong>M</strong></em></td>
<td><em><strong>M</strong></em></td>
</tr>
<tr>
<td>(2)(a)</td>
<td>HABITUAL TRUANCY (Part of 5 days/sem; 30-365 DL, &lt;$500, Etc.)</td>
<td>--- M</td>
<td>--- M</td>
</tr>
<tr>
<td>(3)(a)</td>
<td>TRUANCY (Any unexcused absence: &lt;$50, ordr.)</td>
<td>--- M</td>
<td>--- M</td>
</tr>
<tr>
<td>11.118</td>
<td>CONTRIBUTE TO TRUANCY OF A CHILD</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>11.119</td>
<td>NUDITY/SEXUAL CONDUCT PROHIBITED IN “PUBLIC PLACE”</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)(a)</td>
<td>Expose buttocks/breasts/genitalia</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(1)(b)</td>
<td>Engage in specified sexual activity</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>(1)(c)</td>
<td>Simulate/perform/depict sexual activity</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>NOISE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>11.120</td>
<td>LOUD AND UNNECESSARY NOISE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)(a)</td>
<td>Vehicle w/o muffler/pipes to engine</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(1)(b)</td>
<td>Cause vehicle tires to squeal</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(1)(c)</td>
<td>Operate construction equip., 9P to 7A</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(1)(d)</td>
<td>Snowmobile on river, 10P to 7A</td>
<td>$70.00</td>
<td>$149.20</td>
</tr>
<tr>
<td>(1)(e)</td>
<td>Operate noisy device, 10P to 7A</td>
<td>$70.00</td>
<td>$149.20</td>
</tr>
<tr>
<td>(1)(f)</td>
<td>Loud speaker from vehicle w/o permit</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(1)(g)</td>
<td>Use domestic power equip., 10P to 7A</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(1)(h)</td>
<td>Excessively noisy un/loading, 10P - 6A</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>(1)(i)</td>
<td>Use dynamic braking device (Jake brake)</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td>11.121</td>
<td>SOUND FROM VEHICLE AUDIBLE 75 FEET OR MORE</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>First offense within one year ($40-$80)</td>
<td>$40.00</td>
<td>$111.40</td>
</tr>
<tr>
<td></td>
<td>Second offense w/in one year ($100-$200)</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td></td>
<td>Third offense or more w/in 2 years ($200-$500)</td>
<td>$200.00</td>
<td>$313.00</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
<td>FORFEITURE</td>
<td>TOTAL DEPOSIT</td>
</tr>
<tr>
<td>----------</td>
<td>----------------------------------------------------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>11.122</td>
<td>ELECTRICAL INTERFERENCE WITH SIGNAL RECEPTION</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>11.123</td>
<td>UNNECESSARY BLOWING OF TRAIN WHISTLE AND HORNS</td>
<td>$ 80.00</td>
<td>$161.80</td>
</tr>
<tr>
<td>11.130</td>
<td>ANIMALS NOT TO RUN AT LARGE</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(1) Any animal (cats & others, but not dogs) $ 10.00 $ 73.60
(2)(a)(1) Dogs $ 60.00 $136.60
(2)(a)(2) Vicious dogs $200.00 $313.00
(2)(c)(2) Dog howling/barking, damaging property $ 50.00 $124.00
(2)(c)2. Failure to dispose of dog (50-100) $50.00 $124.00

2nd offense (200-300) $200.00 $313.00
3rd and subsequent offense (600-1,000) $600.00 $817.00
(2)(c)1. Dog at Large (50-100) $50.00 $124.00

2nd offense (200-300) $200.00 $313.00
3rd and subsequent offense (600-1,000) $600.00 $817.00
(2)(c)2.(a) Dog damaging any public or private property (50-100) $50.00 $124.00

2nd offense (200-300) $200.00 $313.00
3rd and subsequent offense (600-1,000) $600.00 $817.00
(2)(c)2.(b) Dog barking, whining or howling excessively $50.00 $124.00

2nd offense (100-200) $100.00 $187.00
3rd and subsequent offense (200-300) $200.00 $313.00
(2)(c)2.(c) Dog biting or attempting to bite a person/domestic animal (100-200) $100.00 $187.00

2nd offense (400-600) $400.00 $565.00
3rd and subsequent offense (800-1,200) $800.00 $1,069.00
(2)(c)2.(d) Dog Scratching or promoting harm to person/domestic animal (50-100) $50.00 $124.00

2nd offense (200-300) $200.00 $313.00
3rd and subsequent offense (600-1,000) $600.00 $817.00
| (2)(c)2.(e) | Dog putting any person in reasonable fear of attack (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)1. Person owning a prohibited dangerous dog (600-1,000) | $600.00 | $817.00 |
| 2nd offense (1,000-1,500) | $1,000.00 | $1,321.00 |
| 3rd and subsequent offense (1,500-3,000) | $1,500.00 | $1,951.00 |
| (2)(d)2.(a) Fail to leash vicious dog (100-200) | $100.00 | $187.00 |
| 2nd offense (400-600) | $400.00 | $565.00 |
| 3rd and subsequent offense (800-1,200) | $800.00 | $1,069.00 |
| (2)(d)2.(b)1. Fail to confine vicious dog | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)2.(b)2. Illegal confinement indoors of vicious dog (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)2.(c) Fail to post sign for vicious dog (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)2.(d) Fail to spay/neuter vicious dog (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)2.(e) Fail to properly insure and/or license/register vicious dog (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)2.(f) Prohibited vicious dog in/on multi-family building (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
| (2)(d)2.(g)1.-4. Fail to notify proper authorities (50-100) | $50.00 | $124.00 |
| 2nd offense (200-300) | $200.00 | $313.00 |
| 3rd and subsequent offense (600-1,000) | $600.00 | $817.00 |
### ORDERLY CONDUCT 11.08 (Bond Schedule)

<table>
<thead>
<tr>
<th>11.132</th>
<th>HARASSMENT OF POLICE ANIMALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)(a) Frighten/threaten/abuse/harass</td>
<td>$20.00</td>
</tr>
<tr>
<td>(1)(b) Strike/shove/subject to phys.contact</td>
<td>$40.00</td>
</tr>
<tr>
<td>(1)(c) Strike animal with dangerous weapon</td>
<td>$50.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11.133</th>
<th>USE DOMESTIC ANIMAL FOR COMMERCIAL INDUCEMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>$100.00</td>
<td>$187.00</td>
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<table>
<thead>
<tr>
<th>11.134</th>
<th>FAIL TO REMOVE DOG EXCREMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>$10.00</td>
<td>$73.60</td>
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### GAMBLING, TOBACCO, ALCOHOL AND DRUGS

<table>
<thead>
<tr>
<th>11.140</th>
<th>GAMBLING, LOTTERIES, FRAUDULENT DEVICES</th>
</tr>
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<tbody>
<tr>
<td>$40.00</td>
<td>$111.40</td>
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<table>
<thead>
<tr>
<th>11.141</th>
<th>TOBACCO: USE OF IN TAXI CAB</th>
</tr>
</thead>
<tbody>
<tr>
<td>$20.00</td>
<td>$86.20</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>11.142</th>
<th>TOBACCO: POSSESSION BY PERSON UNDER 18 YEARS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)(a) Buy/attempt buy cigarette/tobacco product</td>
<td>$30.00</td>
</tr>
<tr>
<td>(1)(b) Misrepresent age to receive cig/tobacco</td>
<td>$30.00</td>
</tr>
<tr>
<td>(1)(c) Possess any cigarette or tobacco product</td>
<td>$10.00</td>
</tr>
<tr>
<td>(5) Use tobacco on school premises</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>11.143</th>
<th>TOBACCO: RESTRICTIONS ON RETAILERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)(a) Sale/gift of tobacco to minor by retailer</td>
<td>$60.00</td>
</tr>
<tr>
<td>(2)(b) 1 Failure by retailer to post sign</td>
<td>$30.00</td>
</tr>
<tr>
<td>(2)(b) 2 Failure by vendor to attach notice</td>
<td>$30.00</td>
</tr>
<tr>
<td>(2)(c) Improper location/supervision of machine</td>
<td>$10.00</td>
</tr>
<tr>
<td>(2)(d) Place vending machine w/in 500’ of school</td>
<td>$10.00</td>
</tr>
<tr>
<td>(2)(e) Sale/gift of tobacco to minor by distributor</td>
<td>$50.00</td>
</tr>
<tr>
<td>(4) 2ND OFFENSE W/IN 12 MONTHS (MANDATORY APPEARANCE)</td>
<td>--- M</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
</tr>
<tr>
<td>---------</td>
<td>-------------</td>
</tr>
<tr>
<td><strong>11.144</strong></td>
<td>POSSESS ALCOHOL BEVERAGES ON PUBLIC WAYS</td>
</tr>
<tr>
<td></td>
<td>(1) Open can/bottle/container - alcohol/beer</td>
</tr>
<tr>
<td></td>
<td>(1) On public streets and ways</td>
</tr>
<tr>
<td></td>
<td>(1) In parked cars</td>
</tr>
<tr>
<td></td>
<td>(2) Along river, Cady bridge to Milw. Bridge</td>
</tr>
<tr>
<td><strong>11.145</strong></td>
<td>PROCURE LODGING &amp; PERMIT/FAIL TO PREVENT</td>
</tr>
<tr>
<td></td>
<td>(2)(a) Underage alcohol consumption</td>
</tr>
<tr>
<td></td>
<td>(2)(b) Illegal use of a controlled substance</td>
</tr>
<tr>
<td></td>
<td>(5) Second offense within 12 months</td>
</tr>
<tr>
<td><strong>11.146</strong></td>
<td>POSSESSION OF MARIJUANA</td>
</tr>
<tr>
<td><strong>11.148</strong></td>
<td>INSTRUMENTS FOR USE OF CONTROLLED SUBSTANCES</td>
</tr>
<tr>
<td></td>
<td>(4) Sell/display instruments for sale</td>
</tr>
<tr>
<td></td>
<td>(5) Possess instruments/cont’d substances</td>
</tr>
<tr>
<td></td>
<td>(6) Manufacture or deliver paraphernalia</td>
</tr>
<tr>
<td></td>
<td>(7) Paraphernalia to minor 3 years younger..</td>
</tr>
<tr>
<td><strong>11.149</strong></td>
<td>SMOKING PROHIBITED</td>
</tr>
<tr>
<td></td>
<td>(2) Smoking in Prohibited Place</td>
</tr>
<tr>
<td></td>
<td>(3)(a) Person in Charge (PIC) Allowed Smoking in Prohibited Place</td>
</tr>
<tr>
<td></td>
<td>(3)(b) Person in Charge (PIC) Provided matches, ashtrays, other smoking equipment</td>
</tr>
<tr>
<td></td>
<td>PIC FAILED TO MAKE REASONABLE EFFORT:</td>
</tr>
<tr>
<td></td>
<td>(3)(c)1 To post signs prohibiting smoking (1st offense – warning; 2nd = $100/day max)</td>
</tr>
<tr>
<td></td>
<td>(3)(c)2 To refuse to serve person smoking (1st offense – warning; 2nd = $100/day max)</td>
</tr>
<tr>
<td></td>
<td>(3)(c)3 To ask smoker to stop or leave (1st offense – warning; 2nd = $100/day max)</td>
</tr>
<tr>
<td></td>
<td>(3)(d) PIC did not immediately notify police when smoker refused to stop or leave</td>
</tr>
</tbody>
</table>
### G. PARK REGULATIONS

<table>
<thead>
<tr>
<th>SECTION</th>
<th>DESCRIPTION</th>
<th>FORFEITURE</th>
<th>TOTAL DEPOSIT</th>
</tr>
</thead>
<tbody>
<tr>
<td>11.163</td>
<td>PROHIBITED CONDUCT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>Mark/deface/damage park ground property</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(2)</td>
<td>Use restroom designated for opposite sex</td>
<td>$40.00</td>
<td>$111.40</td>
</tr>
<tr>
<td>(3)</td>
<td>Dig/remove soil, rocks, shrubs, etc.</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(4)</td>
<td>Construct/erect structure, install utility</td>
<td>$80.00</td>
<td>$161.80</td>
</tr>
<tr>
<td>(5)</td>
<td>Damage any plant, disturb grassy areas</td>
<td>$80.00</td>
<td>$161.80</td>
</tr>
<tr>
<td>(6)</td>
<td>Climb/stand/sit on tree, fountain, fence</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(7)</td>
<td>Attach rope/cable to tree, fence, etc.</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(8)</td>
<td>Pollute river/fountain/storm sewer/drain</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(9)</td>
<td>Take/carry through/put rubbish in park</td>
<td>$60.00</td>
<td>$136.60</td>
</tr>
<tr>
<td>(10)</td>
<td>Bring glass beverage container into park</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>(11)</td>
<td>Permit/cause animal to run loose in park</td>
<td>$60.00</td>
<td>$136.60</td>
</tr>
<tr>
<td>(12)</td>
<td>Tie/hitch animal to tree or plant in park</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(13)</td>
<td>Hunt/trap/chase/tease bird, wildlife</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(13)</td>
<td>Shoot at animal, wildlife</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(13)</td>
<td>Throw missiles at animal, wildlife</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(14)</td>
<td>Ride horse except on designated trails</td>
<td>$40.00</td>
<td>$111.40</td>
</tr>
<tr>
<td>(15)</td>
<td>Walk animal outside designated areas</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(16)</td>
<td>Play music so loud it interferes w/others</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(17)</td>
<td>Hinder park employees from doing job</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>11.164</td>
<td>VEHICLES (NOTE: Subs (1) &amp; (2) not apply during Riverfest.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>Drive/operate vehicle off road/park ways</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>(2)</td>
<td>Park vehicle in non-designated area</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>(3)</td>
<td>Discard/discharge oil other vehicle fluid</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(4)</td>
<td>Wash vehicle exterior</td>
<td>$10.00</td>
<td>$73.60</td>
</tr>
<tr>
<td>(4)</td>
<td>Empty sanitary waste from vehicle</td>
<td>$80.00</td>
<td>$161.80</td>
</tr>
<tr>
<td>(5)</td>
<td>Change vehicle tire, other maintenance</td>
<td>$10.00</td>
<td>$73.60</td>
</tr>
<tr>
<td>(5)</td>
<td>Drive/operate vehicle off road/parkways</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>11.165</td>
<td>FIREARMS AND WEAPONS</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(1)</td>
<td>Possess pistol, except official starter gun</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>(2)</td>
<td>Possess rifle, BB gun, bow, slingshot</td>
<td>$100.00</td>
<td>$187.00</td>
</tr>
<tr>
<td>SECTION</td>
<td>DESCRIPTION</td>
<td>FORFEITURE</td>
<td>TOTAL DEPOSIT</td>
</tr>
<tr>
<td>----------</td>
<td>---------------------------------------------------------</td>
<td>------------</td>
<td>---------------</td>
</tr>
<tr>
<td>11.171</td>
<td>MISCELLANEOUS CONDUCT</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(1) Camp/stay overnight in non-designated area</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td></td>
<td>(2) Horseshoes, etc, in non-designated area</td>
<td>$30.00</td>
<td>$98.80</td>
</tr>
<tr>
<td></td>
<td>(3) Roller skates/bikes on tables, structures</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td></td>
<td>(4) Trespass to area posted &quot;closed to public&quot;</td>
<td>$70.00</td>
<td>$149.20</td>
</tr>
<tr>
<td></td>
<td>(5) Engage in disorderly conduct</td>
<td>$40.00</td>
<td>$111.40</td>
</tr>
<tr>
<td></td>
<td>(6) Fail produce permit on request of official</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td></td>
<td>(7) Disturb/interfere unreasonably with others</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td></td>
<td>(8) Erect/occupy tent/structure (See ordinance)</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td></td>
<td>(9) Bike/skates/etc. next to Aquatic Center</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td></td>
<td>(10) Fly/launch plane/rocket in non-designated area</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td></td>
<td>(11) Play/practice golf in non-designated area</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td></td>
<td>(12) Operate/ride snowmobile/ATV in non-designated area</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
<tr>
<td>11.172</td>
<td>USE PUBLIC SWIMMING POOL AFTER POOL IS CLOSED</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>11.173</td>
<td>USE BOAT IN PARK IN VIOLATION OF BOATING ORDINANCE</td>
<td>$50.00</td>
<td>$124.00</td>
</tr>
<tr>
<td>11.174</td>
<td>TRESPASS IN PARKING DURING CLOSING HOURS</td>
<td>$20.00</td>
<td>$86.20</td>
</tr>
</tbody>
</table>
B. BODILY SECURITY

11.10 BATTERY. No person shall cause bodily harm to another by an act done with intent to cause bodily harm to that person or another without the consent of the person so harmed.

11.12 DISORDERLY CONDUCT PROHIBITED. No person shall:

(1) In any public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct which tends to cause or provoke an immediate disturbance of public order or tends to disturb or annoy any other person or persons.

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

(3) Disturb any lawful meeting, assemblage or gathering, or fail or refuse to withdraw from an unlawful assembly, which the person knows, has been ordered to disperse.

(4) Disorderly Conduct in School. (Cr. #98-39)

(a) PURPOSE. The City of Watertown finds that public education must prepare students for citizenship and, thus, must inculcate habits and manners of civility as fundamental values to the practice of self-government in the community. These values must include tolerance of divergent political and religious views. Furthermore, these values must also take into account the sensibilities of fellow students and school staff. The lessons of civil, mature conduct cannot be conveyed in a school that tolerates lewd, indecent, or offensive speech and conduct. Thus, the City of Watertown finds that it is a highly appropriate function of the public schools within the City of Watertown to prevent the use of lewd, indecent, or offensive speech and conduct in public discourse within the school environment. The City of Watertown recognizes that ordinances which apply to student behavior in the school environment must preserve both the informal nature of the student-staff relationship and the discretion of staff members to identify and prohibit a wide range of unanticipated and disruptive student speech and conduct.

(b) DISORDERLY CONDUCT AT SCHOOL. No juvenile or student shall, in any public school environment within the corporate limits of the City of Watertown, engage in any speech or conduct, including the use of obscene, profane, lewd, indecent, or offensive language or gestures, which materially and substantially interferes with the educational mission of the school.

(c) The following are examples of acts that may, under the circumstances, materially and substantially interfere with the educational mission of the school: (i) the use of obscene, profane, lewd, indecent, or offensive language or gestures directed at any teacher, administrator, and other school staff member; (ii) the use of obscene, profane, lewd, indecent, or offensive language or gestures directed at any student. This list is not intended to encompass every act that may be prohibited by this Section.
11.14. (Repealed #98-53)

11.15 UNLAWFUL USE OF COMPUTERIZED COMMUNICATION SYSTEMS. (Cr. #11-12)

(1) In this section, “message” means any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature, or any transfer of a computer program, as defined in s. 943.70 (1) (c) of the Wisconsin Statutes.

(2) Whoever does any of the following is subject to penalty as set forth in the Watertown Bond Schedule, Section 11.08:

(a) With intent to frighten, intimidate, threaten, abuse or harass another person, sends a message to the person through an electronic mail or other computerized communication system and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(b) With intent to frighten, intimidate, threaten, abuse or harass another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message threatens to inflict injury or physical harm to any person or the property of any person.

(c) With intent to frighten, intimidate, threaten or abuse another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(d) With intent to frighten, intimidate, threaten or abuse another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(e) With intent to frighten, intimidate, threaten or abuse another person, sends a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to frighten, intimidate, threaten or abuse another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.

(3) Whoever does any of the following is subject penalty as set forth in the Watertown Bond Schedule:

(a) With intent to harass, annoy or offend another person, sends a message to the person on an electronic mail or other computerized communication system and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(b) With intent to harass, annoy or offend another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message and in that message uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(c) With intent solely to harass another person, sends repeated messages to the person on an electronic mail or other computerized communication system.

(d) With intent solely to harass another person, sends repeated messages on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the messages.

(e) With intent to harass or annoy another person, sends a message to the person on an electronic mail or other computerized communication system while intentionally preventing or attempting to prevent the disclosure of his or her own identity.

(f) While intentionally preventing or attempting to prevent the disclosure of his or her identity and with intent to harass or annoy another person, sends a message on an electronic mail or other computerized communication system with the reasonable expectation that the person will receive the message.
ORDERLY CONDUCT 11.15 (3)(g)

(g) Knowingly permits or directs another person to send a message prohibited by this section from any computer terminal or other device that is used to send messages on an electronic mail or other computerized communication system and that is under his or her control.

11.16 HARASSMENT. 

(1) No person, with intent to harass or intimidate another person, shall do any of the following:

(a) Strike, shove, kick or otherwise subject the person to physical contact or attempt or threaten to do the same.

(b) Engage in a course of conduct or repeatedly commit acts which harass or intimidate the person and which serve no legitimate purpose.

(2) This section does not prohibit any person from participating in lawful conduct in labor disputes under sec. 103.53, Wis. Stats.

11.17 HARBORING RUNAWAYS. Whoever knowingly allows, permits or boards any minor child at his or her residence, property or place of business, where the person knows or should have known the child to be a runaway from his or her parent, guardian or legal custodian, shall be guilty of harboring a runaway and shall be subject to the penalty provisions of this chapter. (Cr. #89-9)

C. PUBLIC HEALTH AND SAFETY

Vehicles

11.20 OFFROAD OPERATION OF VEHICLES. (Rep.& Recr. #02-04) It shall be unlawful for any person to operate any type of vehicle powered by an internal combustion engine or battery-powered motor while in any of the following places without first obtaining the written permission or authorization hereinafter required:

(1) On any property owned by the City of Watertown, except public rights-of-way and municipal parking lots, unless such operation is specifically permitted by written order of the Mayor or his designated representative, or unless such property is specifically posted for such operation.

(2) On any property owned by a school district or any public school grounds or campus, except public rights-of-way and designated parking lots when used for that purpose, unless such operation is specifically permitted by written order of the district superintendent of schools or his designated representative.

(3) On any private property, except private parking lots open to the public, unless by specific written order of the owner or designated representative of the owner of such property to the individual operating the vehicle.

(4) All written orders specified herein must be in the possession of the person operating a vehicle in prohibited areas during the time of such operation.

11.22 DRIVING OR WALKING UPON BARRICADED AREAS. (Rep.& Recr. #99-43) No person shall walk, ride, or drive upon, over, or across any sidewalk, bridge, pavement, or other surface while it is barricaded by a traffic control device as defined below, which is so placed as to indicate that the sidewalk, bridge, pavement, or other surface is closed to traffic.

(1) Traffic control devices shall be placed only by the authority of the City of Watertown. The following traffic control devices shall be deemed appropriate for use within the City of Watertown.

(a) Traffic drums. Traffic drums shall be a minimum of 36" in height and a minimum of 18" in diameter. The markings on the drums shall be horizontal, circumferential, orange and white reflectorized stripes four to eight inches wide. (Am. #12-22)
(b) Type I, II and III barricades. Type I, II and III barricades shall comply with the definitions as set forth at Section 6F.68 of the U.S. Department of Transportation Manual on Uniform Traffic Control Devices, and any subsequent amendments to the same. (Am. #12-22)

(c) Cones. Cones shall be a minimum of 18” high, of orange color. (Am. #12-22)

(d) Reflective safety tape. Any reflective safety tape stretched between traffic control drums or Type I, II, or III barricades. (Am. #12-22)

(e) Orange plastic fencing at a minimum of 4 feet high stretched between traffic control drums or Type I, II, or III barricades. (Am. #12-22)

(2) The Chief of Police, upon written application from any public or private school, may grant written permission to the school to erect temporary street barricades on those public streets adjacent to school playground areas during such regular times when children are present outside of the school building. The written permission shall specify the portions of streets to be barricaded, the hours during which barricades may be erected, and the type of barricade to be used.

(3) It shall be the responsibility of the public or private school granted the permission in (2) above to place, remove, and store the barricades in conformity with this section and to supply a barricade which complies with standards set forth in (1) above.

(4) No person shall remove, take down, change the position of, deface or otherwise damage any traffic control device listed in (1) above or light, which has been placed by an authorized City official for the warning, instruction, or information of the public, surrounding or protecting any material, work or improvement on any street, sidewalk, alley, bridge, public ground or any holes cut through the ice within the City.

(5) Vehicle owner’s liability for violation of this section.

(a) “Owner” shall be defined pursuant to Sec. 346.01 (2), of the Wisconsin Statutes.

(b) The owner of a vehicle involved in a violation of Section 11.22 shall be presumed liable for the violation as provided in this section.

(c) No owner of a vehicle involved in a violation of Section 11.22 may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for a violation under this section.

(6) Public Recording. Any member of the public who observes a violation of this ordinance may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the motor vehicle involved in the violation.
(c) Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle, or other type of vehicle.

(d) Within 24 hours after observing the violation, a member of the public may deliver a report containing all of the information-contained hereinabove to an officer of the City of Watertown.

(e) Within 48 hours after receiving a report containing all of the information contained herein, the officer shall investigate the violation and may prepare a municipal traffic violation within 72 hours after receiving such report and may personally serve it upon the owner of the vehicle. If with reasonable diligence the owner cannot be served under this paragraph, service may be made by leaving a copy of the citation at the owner's usual place of abode within this state in the presence of a competent member of his or her family at least 14 years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the City and shall be performed within 72 hours after a report containing all of the information set forth hereinabove was delivered to a traffic officer under this paragraph. If with reasonable diligence the owner cannot be served as set forth herein, or if the owner lives outside of the City of Watertown, service may be made by certified mail addressed to the owner’s last-known address, within 72 hours after a report containing the information set forth hereinabove was delivered to a traffic officer.

(f) Defenses to the imposition of liability under this Section include:

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred or within a reasonable time after the violation occurred.

2. If the owner of the vehicle provides a traffic officer employed by the City issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle at the time or having the vehicle under his or her control at the time of the violation.

3. If the vehicle is owned by a lessor of vehicles and at the time of the violation the vehicle was in the possession of a lessee, and the lessor provides a traffic officer employed by the City of Watertown with the information required under Section 343.46 (3) of the Wisconsin statutes, then the lessee and not the lessor shall be liable under this section.

4. If the vehicle is owned by a dealer, as defined in Section. 340.01 (11) of the Wisconsin Statutes, but including the persons specified in s. 340.01 (11) (a) to (d), and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the City of Watertown with the name, address and operator's license number of the person operating the vehicle, then that person, and not the dealer, shall be liable under this section.
11.23 MOTORIZED VEHICLES PROHIBITED ON SIDEWALKS. (Rep. #99-43; Cr. #02-17)

(1) Definitions.

“Motorized Vehicles” shall mean a vehicle which is used for the transportation of persons and/or property, including, but not limited to the following, irrespective of size, weight, number of wheels, whether or not having a seat: moped, motor bicycle, motorbus, motorcycle, motor home, motor truck, motor vehicle, snowmobile, all-terrain vehicle, and also means motorized skates, motorized scooter and motorized skateboards. Motorized wheelchairs and similar medical assisting devices are specifically excluded from this definition.

All other words and phrases shall be given their meaning provided in the Wisconsin Statutes.

(2) It shall be unlawful for any person to:

(a) Operate a motorized vehicle on a public sidewalk, except for crossing a sidewalk to reach an area where operation is lawful. This prohibition does not apply to motorized vehicles used for construction or maintenance purposes, or used to access the site of construction or maintenance work.

(b) Operate any type of motorized skates, motorized scooter, or motorized skateboard, whether gas or electric powered, on a public street or highway.

11.24 PREVENT DEPOSITS ON PUBLIC ROADWAYS. No person, in person or by his agent, employee or servant, shall:

(1) Use any vehicle to haul any kind of rubbish, waste articles or solid or liquid substance, upon any public roadways unless such vehicle is covered at all times to prevent any part of its load from spilling or dropping, while in motion.

(2) This section shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar waste material if such matter is securely lashed or placed in such vehicle to prevent spilling or dropping.

11.26 CRUISING PROHIBITED ON MAIN STREET. (Cr. #92-58)

(1) Findings and Purpose. It is hereby found that a threat to the public health, safety and welfare arises from the congestion created by the repetitive unnecessary driving of motor vehicles, also known as cruising, at certain times on certain highways within the City of Watertown. The purpose of this section is to reduce the dangerous traffic congestion, as well as the noise, air pollution, obstruction of streets, sidewalks and parking lots, impediment of access to shopping centers or other buildings open to the public, interference with use of property or conduct of business resulting from cruising, and to insure access for emergency vehicles to and through the said highways.

(2) Definitions.

(a) Cruising shall mean driving a motor vehicle past a traffic control point, on a highway in the designated area, four (4) or more times in the same direction of travel in any two (2) hour period between the hours of 6:00 p.m. and 5:00 a.m.

(b) Designated area shall mean Main Street between the intersection of College Avenue and the intersection of Church Street in the City of Watertown, Wisconsin.

(c) Traffic control point shall mean a reference point within or adjacent to a designated area selected by a police officer for the purpose of enforcing this section.
ORDERLY CONDUCT 11.26 (3)

(3) Cruising Prohibited. It shall be unlawful for anyone to engage in cruising in the designated area. For the purposes of this section, the person having control or ownership of a motor vehicle shall be considered the person cruising, without regard as to whether that person was actually driving the motor vehicle each time it passed the traffic control point. Having control or ownership of a motor vehicle shall mean either the owner of said vehicle, if present in the vehicle at the time of the violation, or, if the owner is not present, the person operating the vehicle at the time of violation.

(4) Exclusions. This section shall not apply to:

(a) Any publicly owned vehicle of any city, county, state, federal or other governmental unit, while such vehicle is being used for the official purposes of said governmental unit.

(b) Any authorized emergency vehicle.

(c) Any taxicabs for hire, buses or other vehicles being driven for business purposes.

11.28 RACE TRACKS. No person shall cause to be operated or assist in the operation of any race track. "Race track" means any area in the City where any midget auto, motorcycle, stock car, go-cart or other type of vehicle powered by an internal combustion engine is operated in competition with one or more other such vehicles on the basis of speed, endurance or otherwise.

Weapons

11.30 FIREARMS PROHIBITED IN MUNICIPAL BUILDINGS. (Rep. & Recr. entire section11.30, Ord. 11-26) (Am. #12-15)

(1) Definitions

(a) Firearm means a weapon or any instrument used in the propulsion of a bullet, shot, slug or other projectile by the force or action of gunpowder exploded or burned in it.

(b) Law Enforcement Officer means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

(c) Weapon means a handgun, an electric weapon, as defined in § 941.295(1c)(a), Wis. Stats., a knife with a blade longer than 6 inches, other than a switchblade knife as defined in § 941.24, Wis. Stats., or a billy club.

(2) In addition to the provisions of Wis. Stats. § 175.60 enumerating places where the carrying of a weapon or a firearm is prohibited, including exceptions thereto, it shall be unlawful for any person other than a law enforcement officer to enter the following City of Watertown municipal buildings while carrying a weapon or a firearm:

(a) Watertown Municipal Building
(b) Watertown Fire Station
(c) Watertown Police Department
(d) Watertown Public Library
(e) Watertown Senior Citizen Center/Park Department Offices
(f) Watertown Public Health Department
(g) Watertown Public Works Facility
(h) Watertown Water Department Buildings
(i) Watertown Wastewater Treatment Plant
(j) Watertown City Attorney’s Office
(k) All City of Watertown Well/Pump Stations
(l) Watertown Aquatic Center at Riverside Park
(m) Riverside Park Pavilion
(n) Watertown Park Maintenance Shop
(o) All Polling Stations on official election days, including the
Polling Station at Marquardt Memorial Manor

(3) Signs meeting the requirements of § 943.13(2)(bm)(1), Wis. Stats., shall be posted in prominent places near all entrances of such buildings regarding such restrictions.

(4) Exceptions. The following City of Watertown municipal buildings shall not be subject to the prohibition against carrying a weapon or a firearm on the premises: The Watertown Airport Terminal and the adjacent hanger/repair facility. (Cr. #12-15)

(5) Issuance of Exemption. The Chief of Police, at his discretion, may issue a written exemption allowing an applicant to have temporary possession of a firearm within a City-owned building upon written application providing a legitimate educational purpose as a basis for the exemption. (Cr. #12-23)

11.32 DISCHARGING AND CARRYING WEAPONS (Rep. and Recr. entire section #09-32, Am. #09-38, Am. #11-26)

(1) No person may go armed with a concealed and dangerous weapon or firearm unless such person qualifies under the exceptions below:

(a) A person who is employed in this state by a public agency as a law enforcement officer to carry a concealed firearm if Section 941.23(1)(g)(2.) through (5.) and (2)(b)(1.) to (3.)of the Wisconsin Statutes applies.

(b) A qualified out-of-state law enforcement officer, as defined in Section 941.23(1)(g) of the Wisconsin Statutes to carry a concealed firearm if Section 941.23(2)(b)(1.) to (3.) of the Wisconsin Statutes applies.

(c) A former law enforcement officer, as defined in Section 941.23(1)(c) of the Wisconsin Statutes to carry a concealed firearm if Section 941.23(2)(c)(1.) to (7.) of the Wisconsin Statutes applies.

(d) A licensee, as defined in Section 175.60(1)(d) of the Wisconsin Statutes, or an out-of-state licensee, as defined in Section 175.60(1)(g) of the Wisconsin Statutes, to carry a concealed weapon as permitted under Section 175.60.

(2) No person except in the exercise of lawful authority shall fire or discharge any firearm within the City. This section shall not prevent the firing or discharging of airguns with a caliber of .177 or smaller upon private property within the City by persons over the age of sixteen (16) years without supervision or by persons sixteen (16) years of age or younger while under the direct, personal supervision of a parent or guardian. (Am. 4-17-2012) (Am. #12-19)

(3) Any person may openly possess, carry or bear any firearm or facsimile firearm or have under his or her control any firearm or facsimile firearm on any public street, sidewalk, boulevard, boardwalk, alley or public parking lot within the City, except in the areas of the City and under the circumstances outlined below and as reflected in the state statutes and administrative code sections specifically adopted under this Section, and subject to the exceptions noted under Sub-Section (5) below for those licensees holding a valid license to carry a concealed weapon under Section 175.60 of the Wisconsin Statutes or similar out-of-state licensees, as defined in Section 175.60(1)(f) and (g) of the Wisconsin Statutes. (Am. #12-15)

(a) Within any public building owned by the City of Watertown or the Watertown Unified School District, unless any such public building is exempt from such possession under Section 11.30(4) of this Chapter, which is similar to Section 941.235 of the Wisconsin Statutes. (Am. #12-15)

(b) Within any building, athletic field, auditorium, arena, concert hall or other similar facility where sporting events, concerts, or other Special Events are held; provided that the organizer of the Special Event has notified the persons seeking to attend the Special Event not to enter into or remain at the Special Event while carrying or bearing a firearm or weapon and with what type of weapon that is prohibited. This Sub-Section does not apply if the firearm or weapon is in a vehicle driven to or parked at the Special Event grounds. "Special Event" means an event that is open to the public, that has a duration of not more than three weeks, and either has designated entrances to and from the event that are locked when the event is closed or that requires an admission to be paid.

Chapter 11 – Orderly Conduct 06/02/2015
(c) Within any premises for which a Class "B" or "Class B" license or permit has been issued by the City pursuant to Chapter 125 of the Wisconsin Statutes, which is similar to Section 941.237 of the Wisconsin Statutes.

(d) In or on school grounds or within 1,000 feet from the grounds of a school, which is similar to Section 948.605 of the Wisconsin Statutes.

(e) Placed on, possessed in or transported in any motorboat with the motor running or any motor vehicle unless the firearm is unloaded or encased within a carrying case, unless the firearm is a handgun, as defined in Section 175.60(1)(bm) of the Wisconsin Statutes, which is similar to Section 167.31(2)(b) of the Wisconsin Statutes.

(f) While any such person is under the influence of an intoxicant or a detectable amount of a restricted controlled substance, which is similar to Section 941.20 (1) (b) and (1) (bm) of the Wisconsin Statutes.

(g) Giving or providing a firearm to a person under the age of 18 unless for target practice under adult supervision, which is similar to Section 948.60 of the Wisconsin Statutes.

(h) If the firearm is a facsimile firearm, no person shall openly possess, carry, or bear any facsimile firearm or have under his or her control any facsimile firearm under circumstances that could reasonably be expected to alarm, intimidate, threaten or terrify another person, which is similar to Section 941.2965 of the Wisconsin Statutes.

(4) The City adopts those provisions of the Wisconsin Statutes or Wisconsin Administrative Code, enumerated under Sub-Section (2) above, as from time to time amended by the Wisconsin Legislature, together with all definitions of relevant terms and all exceptions contained in such provisions, as if fully set forth at length in this Section.

(5) Any person may carry a concealed weapon, as that term is defined in Section 175.60(1)(j) of the Wisconsin Statutes, provided he or she has in their possession a valid license to carry a concealed weapon under Section 175.60 of the Wisconsin Statutes or similar out-of-state license, as defined in Section 175.60(1)(f) of the Wisconsin Statutes, and possess, carry or bear any weapon or have under his or her control any weapon on any public street, sidewalk, boulevard, boardwalk, alley or public parking lot within the City, except in the areas of the City and under the circumstances outlined below:

(a) Within any public building owned by the City of Watertown under Section 11.30 of the Code of Ordinances, subject to the exceptions noted in Section 11.30(4) thereof. (Am. #12-15)

(b) Within any public school building, grounds, recreation area, athletic field or any other property owned, used or operated for school administration by the Watertown Unified School District, which is defined in to Section 948.61(1)(c) of the Wisconsin Statutes.

(c) Within any premises for which a Class "B" or "Class B" license or permit has been issued by the City pursuant to Chapter 125 of the Wisconsin Statutes, subject to the limitations found in Section 941.237 of the Wisconsin Statutes.

(d) Within any place of employment, subject to the limitations found in Section 175.60(15m) of the Wisconsin Statutes.

(e) Within any place or building enumerated in Section 175.60(16) of the Wisconsin Statutes.

(f) While any such person is under the influence of an intoxicant or a detectable amount of a restricted controlled substance, which is similar to Section 941.20 (1) (b) and (1) (bm) of the Wisconsin Statutes.

(6) Any person who violates the provisions of this section, other than a law enforcement officer, shall be subject to a penalty of a forfeiture under Section 25.04 of the Watertown Code of Ordinances, together with the costs of prosecution and any assessments mandated by Wisconsin law as prescribed under the Wisconsin Statutes.
11.34 THROWING OR SHOOTING ARROWS, STONES AND OTHER MISSILES. (1) No person shall throw or shoot any object, arrow, stone, projectile, or other missile, by hand or by other means, at or over any other person, or at or into any automobile, building, street, sidewalk, alley, highway, park, playground or other public place within the City, in such a manner so as to negligently endanger the safety of another, to cause property damage or to cause bodily harm to another.

Other Dangerous Practices

11.42 CUTTING HOLES IN ICE ON RIVER. No person shall cut any ice or any holes through the ice having a diameter of greater than 13 inches in the Rock River or in any basin, stream or slip of the Rock River without first enclosing that portion intended to be cut with a suitable fence that shall include from dusk to dawn a sufficient number of lamps to identify the enclosure, until the hazard created by such cutting no longer exists.

11.43 WHEELED DEVICES. (Cr. #90-49A; Am. #95-42; Am. #96-44) (Am. #07-35)

(a) No person shall operate, ride or use for transportation or recreation any wheeled device on any public or private property within the Central Business District of the City of Watertown, as defined by Chapter 7.09(3)(b)(i) of the Municipal Code. A "Wheeled Device" shall include the following: roller skates, in-line skates, skateboards, scooters and/or roller skis.

(b) No person shall operate, ride or use for transportation or recreation, any bicycle within the sidewalk right-of-way within the Central Business District of the City of Watertown, as defined by Chapter 7.09(3)(b)(i) of the Municipal Code.

11.44 CLIMBING ON RAILROAD CARS. No person shall jump or climb upon or crawl under or through any railroad car, engine or train whether or not in motion, except for authorized persons and employees of the railway.

11.46 DIVING OR JUMPING FROM BRIDGES. No person shall dive or jump from or sit upon the top railing or portion of any bridge.

11.47 JAYWALKING PROHIBITED. (Cr. #92-60) On Main Street between the intersections of Church Street and College Avenue no pedestrian shall cross the roadway at any point other than a marked crosswalk.

11.48 SALE AND DISCHARGE OF FIREWORKS.

(1) STATE LAW ADOPTED. Sec. 167.10, Wis. Stats. regulating the sale, possession and use of fireworks, including the definitions contained therein, and including the penalties enumerated in sect. 167.10(9)(b)(c) thereof, is adopted by reference as part of this Code.

(2) PERMITS FOR USE OF FIREWORKS. Permits for the possession and use of fireworks may be granted by the Mayor pursuant to sec. 167.10(3), Wis. Stats. for specified occasions at a fee of $5.00 for each permit. The Mayor may require an indemnity bond of not more than $50,000 from each person to whom a permit is issued.
D. PROPERTY

11.50 TAMPERING WITH WATER SYSTEM. No person shall turn on, damage or otherwise tamper with any part of the water system of the City, without authority from the Watertown Water Utility except temporarily at the meter for the purpose of protecting plumbing, or for the purpose of making repairs or improvements to any plumbing system.

11.52 TAMPERING WITH TRAFFIC SIGNS.

(1) No person shall tamper with any traffic or highway direction or street-name sign or traffic light erected by any authorized governmental agency for the warning, instruction or information of the public. "Tamper" includes changing the wording, obstructing the visibility, removing, covering, damaging, defacing, turning or any other act with respect to such sign or light that renders it more difficult for such sign or light to accomplish its intended purpose.

(2) No person shall possess any traffic or highway direction or street-name sign or traffic light unless the person can evidence that it was obtained in a lawful manner. "Possession" includes the presence of such device on premises owned, controlled or occupied by the person.

(3) This section shall not prohibit any person authorized by a governmental agency having authority over a sign or light to take any action in connection with the maintenance, repair or replacement.

11.54. (Rep. #99-43)

11.56 DAMAGE TO PROPERTY. No person shall intentionally deface or otherwise damage any property of another, public or private, without the consent of the owner.

11.58 DAMAGE TO PUBLIC FACILITIES. No person shall tear up, deface or destroy any public building or part thereof, pavement, roadway, sidewalk, crosswalk, curb and gutter, water main, sewer, bridge, culvert, walkway or park facilities, or any part thereof nor dig any hole, ditch or drain in any street, alley or public ground except under sec. 15.12 of this Code. The penalty for violation of this Section shall be the imposition of a forfeiture of not less than $250.00 nor more than $500.00, plus all applicable court costs and assessments as required by law. (Am. #90-87)

11.60 DEPOSITS IN SEWERS. No person shall deposit in any sewer or drain any gas, oil, grease, flammable or explosive material or any other substance by reason of its quantity, composition or nature is likely to obstruct such sewer or drain, cause a nuisance or create a hazard in any portion of the City sewer or water drainage systems.
**11.62 HINDERING OR OBSTRUCTING REPAIRS TO PUBLIC FACILITIES.** No person shall hinder or obstruct the making or repairing of any public pavement, roadway, sidewalk or crosswalk, water main, sewer, bridge or culvert.

**11.64 LITTERING.** No person shall throw or deposit any glass or other type of debris or waste material upon the streets, alleys, highways, public parks or other property of the City or into any body of water within the City.

**11.66 DUMPING ON PRIVATE PROPERTY.** No person shall place or dump or cause to be placed or dumped any rubbish, garbage, ashes, boxes, offal, or any castoff material of any kind, upon the private property of another without consent of the owner of the premises.

**11.67 DAMAGE TO PROPERTY BY GRAFFITI** *(Cr. #97-45, Amended #07-19)*

1. Graffiti is defined as the intentional marking, drawing, or writing with paint, ink or another substance on, or the intentional etching into the physical property of another and is hereby specifically declared to be a public nuisance, as defined in Sec. 12.02(1) of this Code.

2. Whoever, places graffiti on the property of another, including private property or public property, without the owner’s consent, is guilty of an offense under this Section.

3. If more than one item of real or personal property is defaced by graffiti all the property may be prosecuted as a single offense.

4. In any case under this section involving more than one act of graffiti, but prosecuted as a single offense, it is sufficient to allege generally that the graffiti was committed between certain dates. At the trial, evidence may be given of any such unlawful marking, drawing, writing or etching graffiti that was committed on or between the dates alleged.

5. Any person who shall place graffiti on the property of another, including private property or public property without the owner’s consent shall be liable for the costs of removing or covering such graffiti in addition to any fines imposed for violating the ordinance. The parents of any unemancipated minor child who affixes graffiti may be held liable for the cost of removing or covering said graffiti in accordance with Wisc. State Stats Sec 895.035.

6. Every owner or occupant of a structure or property defaced by graffiti shall notify the Police Department of the graffiti before removing or covering such graffiti.

7. **DUTY TO REMOVE OR COVER.** Every owner of a structure or property defaced by graffiti shall comply with the terms of a written notice served upon them by the Police Department to remove or cover such graffiti within seventy-two (72) hours of such notice. Failure to remove or cover such graffiti as specified herein will subject the owner, occupant or person in charge of it to the forfeitures provided in Sec. 25.04 of this Code.

8. **STREET SUPERINTENDENT TO CAUSE REMOVAL.** If the owner of a structure or property defaced by graffiti does not remove or cover such graffiti as specified herein and continues to refuse to remove or cover such graffiti after written notice has been served in accordance with (7) above, then the Street Superintendent shall cause all graffiti to be removed or covered in his discretion immediately upon default of the owner. He shall annually render to the City Clerk an itemized report of all sums disbursed by him for such removal or covering of graffiti, the description of the premises affected thereby and the names of the owners thereof, and the sum so disbursed shall annually be levied and collected as a special tax upon said premises unless paid.
11.80 TRESPASSING ON MUNICIPAL PARKING FACILITIES. (Repealed #97-59; Cr.#99-44)

(1) It shall be unlawful for any person not engaged in the parking or operation of a motor vehicle or the parking of a bicycle in a designated bicycle rack, or not having business to attend to in connection with the parking of a motor vehicle or bicycle, to trespass on any municipal parking facility owned and operated by the City of Watertown.

(2) No person shall enter or remain upon the premises of a parking facility, except while actually parking a motor vehicle or parking a bicycle in a designated bicycle rack or while proceeding directly to or from a parked vehicle or bicycle. No person shall utilize the premises of a parking facility except for the purpose of proceeding to or from an available parking stall. No person shall enter or remain within or on a motor vehicle except for the period of time reasonably necessary to park said vehicle or to prepare said vehicle to leave the parking facility. No person shall ride a bicycle or skateboard in any parking facility except for the period of time reasonably necessary to park said bicycle in designated bicycle racks.

(3) Paragraphs (1) and (2) shall not apply during special events or activities authorized and approved by the Common Council.

(4) Notice of this ordinance shall be prominently posted at each point of ingress and egress in each municipal parking lot.

(5) Penalties. A violation of this ordinance shall conform with the bond schedule set forth in Section 11.08 as modified.

11.82 TRESPASS. (Am. #93-32; Am. #89-99; Rep & Recr. #95-64)

(1) A person commits a trespass when he or she unlawfully enters or remains in or upon the premises identified below. It shall be unlawful for any person:

(a) To trespass intentionally on the land or buildings of another, and intentionally and without regard for the rights of the owner or lawful occupant to use or occupy such premises without authority to do so from the owner or lawful occupant thereof.

(b) To trespass intentionally on the land or buildings of another, when a sign or other device forbidding entry has been posted upon such premises, and intentionally and without regard for the rights of the owner or lawful occupant to use, occupy or cross such premises without authority to do so from the owner or lawful occupant thereof. Wherever feasible, notice shall be posted at the main entrance to said premises or at any other point of approach or entry.

(c) To enter into or upon any vehicle, mobile home, aircraft or watercraft without the consent of the person having the right to possession or control thereof, or fail or refuse to leave any such vehicle, aircraft or watercraft after being requested to leave by the person having such right.

(d) Being lawfully upon the land or buildings of another, intentionally or willfully and without regard for the rights of the owner or lawful occupant, to remain upon or refuse to leave such premises within a reasonable time after being requested to leave by the person having such right.

(2) A sign forbidding entry, for the purposes of this section, shall be sufficient when the same is legible, contains the words "no trespassing", or other express statement forbidding entry, and is posted in a place where it is plainly visible, as set forth in Section (1)(b) hereinabove.
11.84 TRESPASS ON BUSINESS PARKING LOTS.

(1) No person shall enter, stay upon, or leave any vehicle upon any business parking lot at any time that the entering, staying or leaving is prohibited by notice given orally or in writing by the owner or person in charge of the premises, or is prohibited by a sign at the parking lot that is erected in conformity with subsec. (2)(b). (Am. #88-66)

(2) In this section:

(a) Business Parking Lot shall mean any privately owned parking lot providing free parking during business hours adjacent to any store, office building, commercial building, or industrial building for the convenience of employees, customers or patrons.
ORDERLY CONDUCT 11.84 (2)(b)

(b) **Sign At The Parking Lot** shall mean a sign or signs posted by the owner or person lawfully in charge of the business parking lot clearly stating the prohibition so that said signs can be seen either at all entrances to the lot or at prominent locations therein.

(3) The following uses of a parking lot shall not be violations of this ordinance:

(a) Temporary entrance to a business parking lot in an emergency or to avoid an accident.

(b) Entrance by police, fire, ambulance and other emergency personnel and equipment in the course of duty.

(c) Entrance by an owner, tenant, or employee of any owner or tenant of any establishment served by the parking lot.

(d) Entrance to the parking lot for special events during specified hours when parking or trespassing is normally prohibited with the consent of the owner or person in charge of any parking lot and by the posting of temporary signs or posters to that effect.

**11.86 RESIDENTIAL PICKETING.**

(1) DECLARATION. It is hereby declared that the protection and preservation of the home is the keystone of democratic government; that the public health and welfare and the good order of the community require that members of the community enjoy in their homes and dwellings a feeling of well-being, tranquility, and privacy, and when absent from their homes and dwellings, carry with them the sense of security inherent in the assurance that they may return to the enjoyment of their homes and dwellings; that the practice of picketing before or about residences and dwellings causes emotional disturbances and distress to the occupants, obstructs and interferes with the free use of public sidewalks and public ways of travel; that such practice has as its object the harassing of such occupants; and without resort to such practice full opportunity exists, and under the terms and provisions of this ordinance will continue to exist for the exercise of freedom of speech and other constitutional rights; and that the provisions hereinafter enacted are necessary for the public interest to avoid the detrimental results herein set forth and are enacted by the Common Council pursuant to sec. 62.11(5), Wis. Stats.

(2) No person shall engage in picketing before or about the residence or dwelling of any individual. Nothing herein shall be deemed to prohibit:

1. Picketing in any lawful manner during a labor dispute of the place of employment involved in such labor dispute, or;

2. The holding of a meeting or assembly on any premises commonly used for the discussion of subjects of general public interest.
Theft

11.90 THEFT.  (Rep. #95-45; Cr. #95-46)

(1) ACTS.  (Rep.& Rec. #96-13) Whoever does any of the following and the value of the property is $750.00 or less, may be penalized as provided in Subsection (4):

(a) Intentionally takes and carries away, uses, transfers, conceals or retains possession of moveable property of another without that person's consent, and with intent to deprive the owner permanently of possession of such property.

(b) Intentionally fails to return any personal property which is in his possession or under his control by virtue of a written lease or written rental agreement, within ten (10) days after the lease or rental agreement has expired.

(2) Definitions in this section.

(a) "Moveable Property" is property whose physical location can be changed, without limitation, including electricity and gas, documents which represent or embody intangible rights, and things growing on, affixed to or found on land.

(b) "Property" means all forms of tangible property, whether real or personal, without limitation, including electricity, gas and documents which represent or embody a chose in action or other intangible rights.

(c) "Property of Another" includes property in which the actor is a co-owner, and property of a partnership of which the actor is a member, unless the actor and victim are husband and wife.

(d) "Value" means the market value at the time of the theft or the cost to the victim replacing the property within a reasonable time after the theft, whichever is less, but if the property stolen is a document evidencing a chose in action or other intangible right, value means either the market value of the chosen action or other right or the intrinsic value of the document, whichever is greater. If the thief gave consideration for, or had a legal interest in, the stolen property, the amount of consideration or value of such interest shall be deducted from the total value of the property.

(3) Use of Photographs as Evidence.  In any action or proceeding for a violation of Subparagraph (1), a party may use duly identified and authenticated photographs of the property which was the subject of the violation in lieu of producing the property.

(4) Penalties. Whoever violates Subparagraph (1) of this chapter is subject to the penalties provided under Section 11.08.
11.91.  (Cr. #88-5; Rep. #95-45)


(1) Definitions:

(a) "Merchant" includes any "merchant" as defined in Section 402.104 (3), Wis. Stats. or any innkeeper, motel keeper or hotel keeper.

(b) "Value of Merchandise" means:

i. For property of the merchant, the value of the property; or

ii. For merchandise held for resale, the merchant's stated price of the merchandise or, in the event of altering, transferring or removing a price marking or causing a cash register or other sales device to reflect less than the merchant's stated price, the difference between the merchant's stated price of the merchandise and the altered price.

(c) "Theft detection device" means any tag or other device that is used to prevent or detect theft and that is attached to the merchandise held for resale by a merchant or property of a merchant.

(d) "Theft detection device remover" means any tool or device used, designed for use or primarily intended for use in removing a theft detection device from merchandise held for resale by a merchant or property of a merchant.

(e) "Theft detection shielding device" means any laminated or coded bag or device designed to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.

2. A person shall be penalized if he or she does any of the following without the merchant's consent and with intent to deprive the merchant permanently of possession, or the full purchase price of the merchandise or property:

(a) Intentionally alters indicia of price or value of merchandise held for resale by a merchant or property of a merchant.

(b) Intentionally takes and carries away merchandise held for resale by a merchant or property of a merchant.

(c) Intentionally transfers merchandise held for resale by a merchant or property of a merchant.

(d) Intentionally conceals merchandise held for resale by a merchant or property of a merchant.

(e) Intentionally retains possession of merchandise held for resale by a merchant or property of a merchant.

(f) While anywhere in the merchant's store, intentionally removes a theft detection device from merchandise held for resale by a merchant or property of a merchant.

(g) Uses, or possesses, with intent to use, a theft detection shielding device to shield merchandise held for resale by a merchant or property of a merchant from being detected by an electronic or magnetic theft alarm sensor.

(h) Uses, or possesses, with intent to use, a theft detection device remover to remove a theft detection device from merchandise held for resale by a merchant or property of a merchant.
ORDERLY CONDUCT 11.92 (3)

(i) Whoever returns merchandise to a merchant for the purpose of claiming a cash refund or credit by intentionally deceiving the merchant with a representation that such merchandise was purchased by such person from such merchant at the price claimed where such merchandise was, in fact, not purchased by such person or was not purchased from such merchant or was purchased at a price lower than the price claimed, shall be guilty of a violation of this section. The intentional giving of a false name or address to a merchant during the return of merchandise is prima facia evidence of intent to defraud a merchant.

3. In any action or proceeding for violation of this section, a duly identified and authenticated photograph of merchandise which was the subject of the violation may be used as evidence in lieu of producing the actual merchandise.

4. Pursuant to Section 943.50 (5)(a), Wis. Stats. the Municipal Court Judge may order a violator to pay restitution as provided in Section 800.093, Wis. Stats.

5. A merchant, a merchant's adult employee or a merchant's security agent who has reasonable 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 police officer, or to his or her parent or guardian in the case of a minor. The detained person must be promptly informed of the purpose for the detention and be permitted to make phone calls, but he or she shall not be interrogated or searched against his or her will before the arrival of a police officer who may conduct a lawful interrogation of the accused person. The merchant, merchant's adult employee or merchant's security agent may release the detained person before the arrival of a police officer or parent or guardian. Any merchant, merchant's adult employee or merchant's security agent or acts in good faith in any act authorized under this section is immune from civil or criminal liability for those acts.

11.93 REFUSAL TO PAY FOR TAXICAB RIDE. (Cr. #94-16)

(1) In this Section "taxi-cab" means any motor vehicle used to transport passengers for hire between fixed end points upon the public highways of the City and which has a passenger carrying capacity of less than 16 persons.

(2) No person shall intentionally enter a taxicab and refuse to pay, without delay, upon demand of the operator or other person in charge of the taxicab, the prescribed transportation fare prior to exiting the taxicab.

11.94 FAILURE TO RETURN LIBRARY MATERIALS.

(1) "Library Materials" include any book, plate, pictures, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data, processing records, artifacts or other
documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a municipal library situated or based within the City of Watertown.

(2) No person may take and carry away any library material with the consent of a library official, agent or employee and fail, after the notice required by this subsection, to timely return the library materials.

(3) No person shall be charged with a violation of this subsection unless such person is provided written notice signed by a library official, agent, or employee setting forth the following: A reasonable description of the library materials; the date that the library materials were removed from the library; the date that the library materials were due to be returned; the final date by which either the library materials are to be returned or a written explanation made to the library that the library materials are incapable of being returned because they are lost or destroyed; and the statement that, "Your failure to comply with the demands of this notice will subject you to being prosecuted for a violation of the Watertown City Ordinances, sec. 11.94 'FAILURE TO RETURN LIBRARY MATERIALS', and upon conviction, a penalty of not less than $10.00 nor more than $200.00, together with the costs of prosecution." Said notice shall be served by regular, first class mail sent to the person's last known address or by personal service upon such person.

11.96 ISSUE OF WORTHLESS CHECKS: No person shall issue any check or other order for payment of money in the sum of $750.00 or less which, at the time of issuance, he or she intends shall not be paid. (Rep.& Rec. #96-13)

(1) Any of the following is prima facie evidence that the person, at the time he or she issued the check or other order for the payment of money, intended it should not be paid:

(a) Proof that, at the time of issuance, the person did not have an account with the drawee; or

(b) 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 nonpayment or dishonor to pay the check or other order; or

(c) 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 nonpayment or dishonor to pay the check or other order.

(2) Refusal to accept or failure to receive notice of nonpayment or dishonor mailed by registered mail to such person's last known address, or the address shown on the face of the check or other order, shall not be a defense to the charge of issuance of worthless check.

(3) This section does not apply to post-dated checks or to a check given for past consideration except a payroll check.
(4) REFERENCE TO WISCONSIN STATUTES. The provisions of secs. 755.045 and 943.24, Wis. Stats. are adopted except for the penalty sections. Whenever the underlying statute secs. 755.045 and 943.24 in effect on the date of the adoption of this section are amended, repealed or modified by the Wisconsin Legislature, the provisions of this section shall be amended in accordance with those changes. (Cr. #87-5)

E. GOVERNMENT AND LAW ENFORCEMENT

11.100 RESISTING OR OBSTRUCTING OFFICER. No person may knowingly resist or obstruct an officer while such officer is doing any act in an official capacity and with lawful authority. "Obstructs" includes, without limitation, knowingly giving false information to the officer with intent to mislead him in the performance of his duty, or knowingly concealing his identity or falsely identifying himself in response to any inquiry by an officer. "Officer" means a peace officer or other public officer or public employee having the authority by virtue of his office or employment to take another into custody.

11.101 HARASSMENT OF POLICE OFFICER. (Cr. #94-15) No person shall do any of the following, with intent to harass, annoy, alarm or intimidate a police officer, as defined in Section 11.100 of this Code, while acting in his official capacity:

Repeatedly insult, taunt or challenge a police officer in a violent, abusive, profane or boisterous manner, which could tend to cause or provoke an immediate disturbance of public order. Expressly included in the prohibited acts is making an obscene gesture to or at a police officer and/or directing obscene language to or at a police officer.

11.102 ASSISTING ESCAPE OF PRISONER. No person shall intentionally aid any prisoner or person to escape from the lawful custody of a policeman or peace officer of the City.

11.103 FALSE SWEARING. No person shall make or subscribe a false statement which he or she does not believe is true, while under oath or affirmation, when such oath or affirmation is authorized or required by law or is required by any public officer or governmental agency as a prerequisite to such officer or agency taking some official action. (Cr. #11-13)

11.104 FALSE ALARMS. (1) No person shall give or send or cause to be given or sent in any manner any alarm of fire, explosion or other emergency to the fire or police department in the City, when such person knows the report to be false.

(2) (Rep. #94-22)

11.105 FALSE REPORTS. No person shall report or cause to be reported to the Police Department or Fire Department, any information concerning the commission of any offense or other incident, which would require Police or Fire Department response, when such person knows the information is false. (Cr. #94-23)

11.106 IMPERSONATING POLICE OFFICER. No person shall impersonate a policeman or peace officer within the City with intent to mislead others into believing that the person is actually a policeman or peace officer.

11.108 CIVIL EMERGENCIES.

(1) DEFINITIONS.

(a) A Civil Emergency is hereby defined to be:

1. A riot or unlawful assembly characterized by the use of actual force or violence or any threat to use force if accompanied by immediate power to execute such force by three (3) or more persons acting together without authority by law.

2. Any natural disaster or man made calamity including flood, conflagration, cyclone, blizzard, tornado, earthquake or explosion within the City resulting in the death or injury of persons or the destruction of property to such an extent that extraordinary measures must be taken to protect the public health, safety and welfare.
(b) **Curfew** is hereby defined as a prohibition against any person or persons walking, running, loitering, standing or motoring upon any alley, street, highway, public property or vacant premises within the City during the hours in which a curfew has been imposed, excepting persons officially designated to duty with reference to said civil emergency.

**(2) PROCLAMATION BY MAYOR.**

(a) When in the judgment of the Mayor, a civil emergency as defined herein is deemed to exist, he shall forthwith proclaim in writing the existence of same pursuant to sec. 66.325, Wis. Stats.

(b) In the event the Mayor is absent from the City during the time of any civil emergency, the Director of Emergency Government is delegated to exercise all authority under this section and sec. 66.325, Wis. Stats.

(c) In the event the Mayor and Director of Emergency Government are absent from the City during the time of any civil emergency, the Chief of Police is delegated to exercise all authority under this section and sec. 66.325, Wis. Stats.

**(3) IMPOSITION OF CURFEW.** After proclamation of a civil emergency by the Mayor, he may order a general curfew applicable to such geographical areas of the City or to the City as a whole, as he deems advisable and applicable during such hours of the day or night as he deems necessary in the interest of the public safety and welfare.

**(4) ADDITIONAL REGULATIONS.** After proclamation of a civil emergency, the Mayor may, in the interest of the public safety and welfare, make any or all of the following orders:

(a) Order the closing of all retail liquor stores.

(b) Order the closing of all taverns.

(c) Order the closing of all private clubs or portions thereof wherein the consumption of alcohol beverages is permitted.

(d) Order the discontinuance of the sale of all alcohol beverages.

(e) Order the discontinuance of selling, distributing or giving away of gasoline or other liquid flammable or combustible products in any container other than a gasoline tank properly affixed to a motor vehicle.

(f) Order the closing of gasoline stations and other establishments, the chief activity of which is the sale, distribution or dispensing of liquid, flammable or combustible products.

(g) Order the discontinuance of selling, distributing, dispensing or giving away of any firearms or ammunition of any character whatsoever.

(h) Order the closing of any or all establishments or portions thereof, the chief activity of which is the sale, distribution, dispensing or giving away of firearms and/or ammunition.

(i) Issue such other orders as are necessary for the protection of life and property.
(5) EMERGENCY POWERS. During the period of a declared state of emergency, the Mayor shall have the power to invoke any or all of the following provisions:

(a) Alcoholic Beverages. No person shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle driven or parked thereon which is duly designated restricted area.

(b) Weapons. No person shall carry or possess any rock, bottle, club, brick or weapon, who uses or intends to use the same unlawfully against the persons or property of another.

(c) Incendiary Missiles. No person shall make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb or other incendiary missile.

(d) Restricted Areas. No person shall enter any area designated by the Mayor as a restricted area unless in the performance of official duties or with written permission from the Mayor or his duly designated representative, or such person shall prove residence therein.

F. PUBLIC PEACE, ORDER AND OTHER INTERESTS

Public Conduct

11.110 LOITERING.

(1) POLICY AND PURPOSE. The Common Council declares it to be the policy and purpose of this enactment to promote and preserve the public peace, order, safety, comfort and welfare of the citizens of the City by the regulation of the conduct of individuals to loiter, prowl, assemble, or congregate on private or public property without the consent of the owner or person in possession of such property.

(2) LOITERING OR PROWLING, PROHIBITED, GENERALLY. No person shall loiter or prowl in a place, at a time or in a manner not usually 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 subsection, afford the person an opportunity to dispel any alarm, which would otherwise be warranted by requesting him to identify himself and explain his presence or conduct. No person shall be convicted of an offense under this subsection if the police or peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the person was true, and if believed by the police or peace officer at the time, would have dispelled the alarm.
(3) OBSTRUCTION OF TRAFFIC BY LOITERING.  (Am. #92-59) No person shall loiter upon the public streets, alleys, sidewalks, street crossings or bridges or in any other public place within the City in such manner as to prevent or obstruct the ordinary free use of such public streets, alleys, sidewalks, street crossings or bridges or other public places by persons passing along and over the same.

(4) OBSTRUCTION OF ENTRYWAYS BY LOITERING.  (Am. #92-59) No person shall loiter upon the public streets, private driveways or sidewalks or in adjacent doorways or entrances so as to obstruct the free entry of persons to the adjacent property, driveways or other entrances to such property.

(5) LOITERING IN VICINTY OF SCHOOL PREMISES.  (Cr. #89-15; Rep. & Recr. #94-14)

(a) "School" as used in this section means a public, parochial or private school which provides an educational program for one or more grades between the grades K-12 and which is commonly known as an elementary school, middle school, junior high school, senior high school or high school.

"School Premises" means any school building, grounds, recreation area or athletic field, any other property owned or operated by the school for school activities.

"Property adjacent to school or school premises" means any public or private property which is within 500 feet of any school or school premises.

(b) (Am. #95-24; Am. #97-68) No person shall enter upon or loiter in a school building, on school premises, or on public or private property located adjacent thereto, not having any reason or relationship involving custody of, or responsibility for, a pupil or any other specific, legitimate reason for being in such a place at such a time, after having been suspended or expelled from a school or asked to leave a school, school premises, private property or public property by a school administrator, teacher or his or her representative, by a private property owner, tenant or agent, or by a police officer. A student enrolled within the Watertown Unified School District shall be in violation of this Chapter if he or she is on any school premises while suspended or expelled from school. A non-student shall be in violation of this Chapter if he or she refuses to leave the area after being so notified by the persons indicated above.

(6) LOITERING ON ROADWAYS IN CENTRAL BUSINESS DISTRICT.  (Cr. #92-59)

LOITERING ON MAIN STREET.

(a) Purpose.  It is hereby found and determined by the Common Council that loitering on the roadway on and around vehicles parked on the roadway on Main Street, between the intersections of Church Street and College Avenue, creates hazardous traffic conditions between vehicles and pedestrians, which may result in death or personal injury, hinders and obstructs safe traffic movement, may result in property damage to parked vehicles, and that there is a need to prohibit such loitering during specific hours to promote safe traffic movement on Main Street and otherwise protect and preserve the public health, safety and welfare.

(b) Prohibition.  It is unlawful for any person to congregate around, loiter by, stand beside or sit on or lean upon a motor vehicle, or to sit, stand or lie upon any portion of a motor vehicle not designed or intended for the use of passengers or within truck bodies in spaces intended for merchandise, parked on the roadway on Main Street between the intersections of Church Street and College Avenue between the hours of 6:00 p.m. and 5:00 a.m.  (Am. #93-31)
**ORDERLY CONDUCT 11.110 (6)(c)**

(c) Exceptions. It shall not be an offense under this section:

(1) If said person is on the sidewalk; or

(2) If said person is on the sidewalk and leaning upon a motor vehicle with permission of the operator or owner of such motor vehicle; or

(3) If said person is entering, exiting or loading any such motor vehicle while it is legally parked on the roadway.

(7) LOITERING ON MAIN STREET BRIDGE. (Cr. #92-59) No person shall loiter, congregate, stand on or sit on the Main Street Bridge over the Rock River in the City, other than to walk across the bridge on the sidewalk or in the crosswalk.

**11.112 CURFEW HOURS FOR MINORS.** (Rep. & Recr. #92-56) (Am. #07-34)

(1) CURFEW HOURS IMPOSED. No person under seventeen (17) years of age shall be upon the public streets, public parking lots, highways, roads, alleys, parks, public buildings, places of amusement and entertainment, vacant lots, or any public places in the City, either on foot or in, or upon any conveyance being driven or parked thereon between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday, and 11:59 p.m. and 5:00 a.m. Friday and Saturday. (Am. #02-08)

(2) WORK TRAVEL. This Section shall not apply to any person under seventeen (17) years of age who is required to use the streets, alleys, or public places of the City during the imposed curfew hours for the purpose of going to or returning from his/her place of employment, but no more than reasonable time shall be allowed for going to and returning from such employment.

(3) DEFENSES. It is a defense to prosecution under this Section that the minor was:
   (a) accompanied by the minor’s parent or guardian;
   (b) on an errand at the direction of the minor’s parent of guardian, without any detour or stop;
   (c) a non resident en route through the city without stopping except to discharge a passenger or purchase gasoline or food;
   (d) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
   (e) involved in an emergency;
   (f) on the sidewalk abutting the minor’s residence;
   (g) attending, or going to or returning from, an official school, religious event, or recreational activity supervised by adults and sponsored by the City of Watertown;
   (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right to assembly.

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

(5) PENALTIES. Any person under the age of seventeen (17) years cited for a violation of Subsection (1), upon conviction, shall be advised by the Court of the penalty for second and subsequent violations. Any such person found guilty of a second or subsequent violation shall be subject to the penalties provided in Section 25.04 of this Code.

(6) ADULT CUSTODIAN PERMITTING VIOLATION OF CURFEW. Any adult person having the legal custody of a person under the age of seventeen (17) years suffering or permitting a minor to violate Subsection (1) shall be subject to the penalties provided in Section 25.04 of this Code.

**ORDERLY CONDUCT 11.114**

Chapter 11 – Orderly Conduct

06/02/2015
11.114 DISTRIBUTION OF COMMERCIAL ADVERTISING MATERIAL.

(1) No person, firm or corporation shall distribute commercial advertising material upon any public street, alley, sidewalk, park or other public place within the City or cause such material to be posted or otherwise displayed within such public places without the written authority of the Mayor or his designee.

(2) No person, firm or corporation shall post any bill or commercial advertising material, except legal notices, service of process, or other similar notices posted according to law, on any private property within the City without the consent of the owner thereof.

(3) No person, firm or corporation shall distribute handbills, circulars, pamphlets, cards, pictures, or any advertising material of any kind whatsoever, by placing the same in or upon any motor vehicle standing or parked in the public streets or public parking lots of the City.

11.115 ANNUAL RIVERFEST CELEBRATION. The Annual Riverfest Celebration which occurs within the corporate city limits of the City of Watertown in the month of August shall be subject to the following rules and regulations:

(1) RIVERFEST CELEBRATION COMMISSION.

(a) There is hereby established a Riverfest Celebration Commission for the City which shall consist of not more than 15 members to be selected by the Chairman. The Chairman of the Riverfest Celebration Commission shall be appointed by the Mayor with the approval of the Common Council, to serve for a term of one (1) year without compensation.

(b) The Chairman of the Riverfest Celebration Commission is authorized to execute such documents as are necessary on behalf of the City to conduct the Annual Riverfest Celebration, subject to the terms and conditions outlined below.

(2) LOCATION. The Annual Riverfest Celebration shall be held in Riverside Park, which includes the volleyball area, the ball diamonds, the island, swimming pool and entire park area between Labaree Street and the Rock River from Boughton Street west up to and including the west playground area. This area shall be designated the Riverfest grounds. (See map on next page.)

(3) TRAFFIC CONTROL.

(a) The Police Department will be authorized to close Riverside Park for through traffic for up to three (3) days prior to and one (1) day after the scheduled event on Labaree Street from Anne Street to Short Street. Alternate route around the park to be from Hus Drive to North Fourth Street to Hill Street to Werner Street to Boughton Street. Barricades shall be used to control traffic on Labaree Street between North Fourth Street and Boughton Street for traffic as necessary for vehicle and crowd safety.

(b) The area just east of the barricade at Perry and Labaree Streets shall be designated for police/emergency vehicles.

(c) At the intersection of Perry and Labaree Streets on the south side of Labaree Street, up to two (2) parking spaces shall be marked as a "loading zone" for the discharge and pick-up of passengers only.
(d) The south side of Labaree Street from the loading zone at Perry and Labaree Streets shall be marked and designated for handicapped parking from Perry Street to Boughton Street.

(e) The police shall be authorized to post “no parking” signs on one side of all the narrow streets in the Riverfest grounds area in the interest of crowd safety, traffic control or an emergency vehicle route.

(4) FERMENTED MALT BEVERAGES.

(a) Fermented malt beverages may be sold at designated stations within the confines of the Riverfest grounds during the course of the celebration, and a license for the sale of fermented malt beverages is not required pursuant to sec. 125.06 (6), Wis. Stats. for the reason that the City of Watertown will be conducting the celebration through an appointed Commission.

(b) All receipts from the sale of fermented malt beverages during the course of the celebration will be deposited to the treasury of the City of Watertown.

(c) The City of Watertown Riverfest Celebration Commission may hire employees to dispense fermented malt beverages on the Riverfest grounds during the course of the celebration and arrange whatever compensation they deem justified under the circumstances.

(d) There shall be at least one (1) licensed operator at each of the designated stations on the premises where fermented malt beverages are dispensed during the course of the celebration at all times that fermented malt beverages are dispensed. The one or more licensed operators shall have responsibility for supervising unlicensed employees who are dispensing fermented malt beverages in their areas.

(e) Sec. 11.144 of the Watertown General Ordinances pertaining to the possession of fermented malt beverages on public streets, sidewalks and public parking lots is to be waived for the dates of the celebration in such areas of the Riverfest grounds as designated by the Mayor and Chief of Police, except that it shall not be allowed to dispense fermented malt beverages at the volleyball courts unless by Commission approval.

(f) During the event there shall be no alcohol beverages carried into or out of the Riverfest grounds.

(5) REGULATION OF COMMERCIAL ACTIVITIES.

(a) The purpose of the Annual Riverfest Celebration is to provide first-class entertainment, high-quality food, and a congenial atmosphere for the enjoyment of the citizens of the City and surrounding communities; to attract visitors and tourists to the City; to further the economic interests of the businesspersons of the City; to reduce or minimize the dangers or hazards to vehicular or pedestrian traffic on or about the Riverfest grounds; to reduce or minimize the possibility of damage to public or private property and the liability of the City therefor; to reduce or minimize the proliferation of trash, garbage and litter arising out of the Riverfest celebration; to reduce or minimize the risks to public safety in the crowds and control of the crowds on or about the Riverfest grounds; and to promote the Riverfest Celebration in furtherance of an in a manner consistent with the public health, safety, welfare, tranquility and interest.
(b) It shall be unlawful for any person, firm or organization to vend, sell, dispose, or offer to vend, sell, dispose or display any goods, wares or merchandise on any public sidewalk, public way, street, alley or within the public right of way upon the Riverfest grounds as defined in this ordinance, or within 500 feet of any of the primary entrances to the Riverfest grounds, without first having obtained a permit from the Riverfest Commission for that purpose, and having paid a license fee therefor, as set by said Commission.

(c) Application for the permit to vend, sell, dispose or display merchandise, goods or wares shall be made in writing to the City Clerk at least two (2) weeks prior to the beginning of the Riverfest Celebration. The application shall contain the name of the applicant if an individual, the names of partners if a co-partnership, or the names of principal officers if a corporation, church, club or charitable institution, and shall include the location of the place or places where such merchandise, goods or wares are to be so displayed and sold. The Riverfest Commission shall be authorized to designate where such merchandise, goods or wares are to be so displayed and sold, if at all. (Cr. #89-78)

(6) REGULATION OF NON-COMMERCIAL ACTIVITIES. (Cr. #91-84)(Rep.& Rec.#96-39)

(a) No person shall operate, ride or use for transportation or recreation any wheeled device while on the grounds defined in this Section, other than law enforcement officers in the normal course of their duties on the grounds. A "wheeled device" shall include, but not be limited to the following: roller skates, in-line skates, skateboards, bicycles, scooters and roller skis.

(b) No person shall fail to obey any official sign or warning erected on the grounds to control pedestrian or vehicular traffic, which includes all entrance and exit signs at all concession stands on the celebration grounds.

11.116 UNLAWFUL USE OF TELEPHONE. No person shall use a telephone or cause a telephone to be used in the following manner:

(1) With the intent to frighten, intimidate, threaten, abuse or harass, makes a telephone call and threatens to inflict injury or physical harm to any person or property of any person.

(2) With intent to frighten, intimidate, threaten, abuse, harass or offend, telephones another and uses any obscene, lewd or profane language or suggests any lewd or lascivious act.

(3) Makes or causes the telephone of another repeatedly to ring, with intent to harass any person at the called number.

(4) Makes repeated telephone calls, whether or not conversation ensues, with intent solely to harass any person at the called number. (Cr. #87-6)

(5) Makes telephone calls to the City's police, fire or emergency telephone numbers, including 911, when such person makes the call for no legitimate reason or purpose. This subsection shall apply regardless of whether the person who makes an emergency telephone call speaks, or in any way, communicates to the person answering the call. (Cr. #94-24)

11.117 HABITUAL TRUANCY AND TRUANCY. (Cr. #91-91; Rep. & Recr. #98-40; Rep & Recr. #98-70)

(1) DEFINITIONS.

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

(b) Truant, means a pupil who is absent from school without an acceptable excuse under Section 118.15 and 118.16 (4), Wis. Stats. for part of all of any day on which school is held during a school semester.
(c) Acceptable Excuse is as defined in Section 118.15 and Section 118.16 (4), Wis. Stats.

(2) PROHIBITION OF HABITUAL TRUANCY.

(a) No child shall be a habitual truant.

(3) PROHIBITION OF TRUANCY.

(a) No child shall be truant.

(4) PENALTIES. The Court shall enter dispositional orders, including one or more of the following:

(a) Habitual Truancy:

(1) Suspension of the child's driving privileges 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.

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

(3) 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), Wis. Stats. The costs of any such counseling, supervised work program, or other community service work may be assessed against the person, the parents or guardian of the person, or both. Any County Department of Human Services or Social Services, community agency, public agency or non-profit charitable organization administering a supervised work program or other community service work to which a person is assigned pursuant to an order under this paragraph acting in good faith has immunity from any civil liability in excess of $25,000 for any act or omission by or impacting on that person.

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

(5) an order for the person to be placed in a teen court program as described in Section 938.342 (f), Wis. Stats.

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

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

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

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

(b) Truancy:

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

(2) A forfeiture of not more than $50 plus costs for a first violation, or a forfeiture of not more than $100 plus costs for any second or subsequent violation committed within twelve 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 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.

11.118 CONTRIBUTING TO TRUANCY. (Cr. #96-12; Am. #96-45; Rep. & Recr. #98-41)

(1) DEFINITION.

(a) Truancy means any absence from school by a pupil without an acceptable excuse under Section 118.15 and 118.16 (4), Wis. Stats. for part or all of any days on which school is held during a school semester.

(2) CONTRIBUTING TO TRUANCY PROHIBITED.

(a) Except as provided in sub. (b), no person shall, by any act or omission, knowingly encourage or contribute to the truancy of a child.

(b) Subsection (a) does not apply to a person who has under his or her control a child who has been sanctioned under section 49.29 (1)(h), Wisc. Stats.

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

(d) A parent, legal custodian or guardian contributes to the truancy of a child if the parent, legal custodian or guardian fails to make a reasonable effort to assure that the child arrives at school in a timely manner. (Cr. #02-30)

11.119 REGULATION OF SEXUALLY-ORIENTED CONDUCT. (Cr.#00-31) (Rep.& Recr. #03-32)

WHEREAS, the City Council has authority under its general police powers set forth in sec. 62.11(5), Stats. to act for the good order of the municipality and for the health, safety and welfare of the public; and may carry out its powers by regulation and suppression; and

WHEREAS, the City Council recognizes it lacks authority to regulate obscenity in light of sec. 66.051(3), Stats. and does not intend by adopting this ordinance to regulate obscenity, since nudity in and of itself is not obscene, it declares its intent to enact an ordinance addressing the secondary effects of live, totally nude, non-obscene, erotic dancing in bars and taverns; and

WHEREAS, exhibitions in public places featuring totally nude, non-obscene erotic dancing or motion picture or video presentations thereof, have in other communities tended to further the increase of criminal and other offensive activity, to be offensive to some members of the general public or to children, to disrupt the peace and order of the communities, to depreciate the value of real property, to harm the economic welfare of the communities and to negatively affect the quality of life of the communities, and such secondary effects are detrimental to the public health, safety and general welfare of citizens; and

WHEREAS, the City Council recognizes that the U.S. Supreme Court has held that nude dancing is expressive conduct within the outer perimeters of the First Amendment to the United States Constitution and therefore entitled to some protection under the First Amendment, and the Common Council further recognizes that freedom of speech is among our most precious and highly protected rights, and wishes to act consistently with full protection of those rights; and

WHEREAS, however, the City Council is aware, based on the experiences of other communities that exhibitions in public places in which live, totally nude, non-obscene, erotic dancing or video or motion picture presentations thereof occurs, may and do generate secondary effects which the City Council believes are detrimental to the public health, safety and welfare of the citizens of the City of Watertown; and
WHEREAS, among these secondary effects are: (a) the potential increase in prostitution and other sex-related offenses, as well as other crimes and offenses, (b) the potential depreciation of property values in neighborhoods where these exhibitions featuring nude dancing exist, (c) health risks associated with the spread of sexually transmitted diseases, (d) the probability that children would be exposed to these exhibitions in a public place, and (e) the potential for infiltration by organized crime for the purpose of unlawful conduct; and

WHEREAS, the City Council desires to minimize, prevent and control these adverse effects and thereby protect the health, safety and general welfare of the citizens of the City of Watertown; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods; and deter the spread of urban blight; and

WHEREAS, the City Council has determined that enactment of an ordinance prohibiting live, totally nude, non-obscene, erotic dancing, or the video or motion picture presentation thereof, in public places promotes the goal of minimizing, preventing and controlling the negative secondary effects associated with such activity;

1. No person shall knowingly or intentionally, in a public place do any of the following:
   a. Perform or engage in the display or exposure of any specified anatomical areas.
   b. Engage in any specified sexual activity.
   c. Simulate, perform or depict, with or without artificial devices or inanimate objects, any specified sexual activity with any other person.

2. Definitions.
   a. Public Place. The term “public place” means and includes any street, alley, sidewalk, thoroughfare, or parking lot, any lobby corridor, elevator, stairway, recreation room or common room in a hotel, motel, office building, apartment building or condominium; any public or municipal building or premises; any vacant lot, park or public recreation facility; any church, school, library, theatre, auditorium or other building frequented by members of the public; any business or industrial premises, including buildings and grounds; except that the term “public place” shall not include any building or part of a building occupied as a temporary or permanent dwelling, hotel or motel room, or private office.
   b. “Specified sexual activities” means simulated or actual:
      (1.) Showing of human genitals in a state of sexual stimulation or arousal;
      (2.) Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, cunnilingus, or excretory functions.
      (3.) Fondling or erotic touching of human genitals, pubic region, anus, buttocks or female breasts.
   c. "Specified anatomical areas" means:
      (1.) Less than completely and opaquely covered human genitals, vulva, anus, and cleavage of the buttocks.
      (2.) Human male genitals in a discernible turgid state, even if completely and opaquely covered.
      (3.) Less than completely and opaquely covered areola and nipple of the female breast.
3. **Exemptions**: The provisions of this ordinance do not apply to the following activities conducted in a public place or in the following specific public places:

   a. Theaters, performing arts centers, civic centers, exhibition halls, restaurants, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered to the general public, with or without paid admission; or movie theaters and video arcades where video or motion picture presentations of dance, ballet, music and dramatic performances of serious artistic merit are offered to the general public, with or without paid admission. In order to fall within the application of this exemption, the predominant business or attraction in the licensed establishment may not consist of the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is distinguished by an emphasis on, or the advertising or promotion of, employees or independent contractors associated with the licensed establishment engaging in nude erotic dancing.

   b. Lavatories, restrooms and bathrooms on the licensed premises where there is unintentional exposure of genitals by individuals performing excretory functions.

   c. The private areas or guest rooms not accessible to the general public of those hotels, motels, rooming houses, or bed and breakfast businesses in the City.

   d. The rental or sale of video cassettes, DVD videodiscs, or other electronic media for private viewing by individuals not in a public place.

   e. Exposure of any portion of the female breast while a person is engaged in breast-feeding a child.
11.120 LOUD AND UNNECESSARY NOISE.

(1) No person shall make or cause to be made any noise disturbance within the City of such volume or nature as to annoy or disturb any other reasonable person of normal sensitivities. This section prohibits, but is not limited to, the following noise disturbances: (Am. #86-53)
(a) No vehicle designed to be equipped with a muffler shall be operated unless the muffler and the exhaust pipes connecting it to the engine are intact and operating as they were intended to at the time of manufacture, except for the following purposes:

1. To remove the vehicle to the residence or normal storage place of the operator; or

2. To remove the vehicle to repair shop for the purpose of obtaining the needed repairs.

(b) No person shall intentionally cause a vehicle to accelerate, brake, or make a turn at such rate or in such manner as to cause its tires to squeal except in reaction to a situation which a reasonably prudent operator would perceive to be necessary to protect against harm to a person or property.

(c) No person shall operate construction equipment between the hours of 9:00 p.m. and 7:00 a.m. except as may be necessary to protect against harm to a person or property.

(d) No person other than a duly authorized law enforcement officer shall operate a snowmobile on the Rock River between the hours of 10:00 p.m. and 7:00 a.m.

(e) No person shall operate or play any radio, television, phonograph, drum, musical instrument or similar noise making device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to create a noise disturbance of such volume or nature as to annoy or disturb a reasonable person of normal sensitivities.

(f) No person shall operate a loud speaker, public address system, mobile sound vehicle or similar device from any vehicle within the City unless a written permit has been issued by the Chief of Police upon such terms and conditions as will insure that the public peace will not be disturbed.

(g) (Am. #90-41) No person shall operate a power lawn mower, chain saw, mulcher, garden tiller, edger or other similar domestic power maintenance equipment, except between the hours of 7:00 a.m. and 10:00 p.m. Snow removal equipment is exempt from this provision.

(h) (Cr. #90-42A) No person shall cause excessive noise to be made in the loading, unloading or unpacking of any vehicle or container between the hours of 10:00 p.m. and 6:00 a.m.

(i) Use of Dynamic Braking Devices Prohibited. (Cr. #00-28)

1. DEFINITION. A dynamic braking device (commonly referred to as Jake Brakes, Jacobs Brake, Engine Brake or Compression Brake) means a device primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

2. USE PROHIBITED. It is unlawful for any person to operate any motor vehicle with a dynamic braking device engaged within the City Limits, except for emergency situations for the purpose of avoiding a collision with another object or vehicle.
(1) Sound From Motor Vehicle. Pursuant to Section 66.948 (1m) (a), Wis. Stats. and Section 349.135, Wis. Stats., and Section 346.945, Wis. Stats., the Common Council of the City of Watertown do ordain as follows: Except as provided in Section 347.38 (1), Wis. Stats., no person may operate or park, stop or leave standing, a motor vehicle while using a radio or other electric sound amplification device emitting sound from the vehicle that is clearly audible under normal conditions from a distance of 75 or more feet, unless the electric sound amplification device is being used to request assistance or warn against an unsafe condition.

Any person violating this ordinance shall forfeit not less than $40.00, nor more that $80.00, for the first violation, not less than $100.00, nor more than $200.00, for the second violation, within a year, and not less than $200, nor more than $500.00, for the third or subsequent violation within two years. (Am. #01-41)

(1) Section (1) above shall not apply to any of the following:

(a) The operator of an authorized emergency vehicle, when responding to an emergency call, or when in the pursuit of an actual or suspected violator of the law, or when responding to, but not upon returning from a fire alarm.

(b) The operator of a vehicle of a public utility, as defined in Section 11.40 (1) (a), Wis. Stats.

(c) The operator of a vehicle that is being used for advertising purposes.
d) The operator of a vehicle that is being used in a community event or celebration, procession, or assemblage.

(e) The activation of a theft alarm signal device.

(f) The operator of a motorcycle being operated outside of a business or residence district.

(3) Owner’s Liability: The owner of a vehicle involved in a violation of this ordinance shall be presumed liable for the violation as provided in this section. However, no owner of a vehicle involved in a violation of this ordinance may be convicted under this section if the person operating the vehicle or having the vehicle under his or her control at the time of the violation has been convicted for the violation of this ordinance.

(4) Public Reporting: Any member of the public who observes a violation of this ordinance may prepare a written report indicating that a violation has occurred. If possible, the report shall contain the following information:

(a) The time and the approximate location at which the violation occurred.

(b) The license number and color of the motor vehicle involved in the violation.

(c) Identification of the motor vehicle as an automobile, station wagon, motor truck, motor bus, motorcycle, or other type of vehicle.

(d) Within 24 hours after observing the violation, a member of the public may deliver a report containing all of the information contained hereinabove to an officer of the City of Watertown.

(e) Within 48 hours after receiving a report containing all of the information contained herein, the officer shall investigate the violation and may prepare a uniform traffic citation within 72 hours after receiving such report and may personally serve it upon the owner of the vehicle. If with reasonable diligence the owner cannot be served under this paragraph, service may be made by leaving a copy of the citation at the owner's usual place of abode within this State in the presence of a competent member of the family who is at least 14 years of age and who shall be informed of the contents thereof. Service under this paragraph may be made by any traffic officer employed by the City and shall be performed within 72 hours after a report containing all of the information set forth hereinabove was delivered to a traffic officer under this paragraph. If within reasonable diligence the owner cannot be served as set forth herein, or if the owner lives outside of the City of Watertown, service may be made by certified mail addressed to the owner's last known address, within 72 hours after a report containing all of the information set forth hereinabove was delivered to a traffic officer.

(f) Defenses to the imposition of liability under this Section include,

1. That a report that the vehicle was stolen was given to a traffic officer before the violation occurred, or within a reasonable time after the violation occurred.

2. If the owner of the vehicle provides a traffic officer employed by the City issuing the citation with the name and address of the person operating the vehicle or having the vehicle under his or her control at the time of the violation and sufficient information for the officer to determine that probable cause does not exist to believe that the owner of the vehicle was operating the vehicle or having the vehicle under his or her control at the time of the violation.

3. If the vehicle is owned by a lessor of vehicles, and at the time of the violation, the vehicle was in the possession of a lessee, and the lessor provides the traffic officer employed by the City with the information required under Section 343.46 (3), Wis. Stats. then the lessee and not the lessor shall be liable under this section.
4. If the vehicle is owned by a dealer as defined in Section 340.01 (11), Wis. Stats. but including the persons specified in Section 340.01 (11) (a) to (d), Wis. Stats., and at the time of the violation the vehicle was being operated by or was under the control of any person on a trial run, and if the dealer provides a traffic officer employed by the City with the name, address and operator's license number of the person operating the vehicle, or having the vehicle under his or her control, on a trial run, then that person and not the dealer, shall be liable under this Section.

(g) Any owner of a motor vehicle who has been convicted of violating this ordinance three or more times within a three year period, the City may impound the vehicle for not more than 5 working days to permit the City or its authorized agent to remove the radio, electric sound amplification device or other sound producing device if the vehicle is owned by the person charged with the violation and the sound producing device may not be easily removed from the vehicle. Upon removal of the sound-producing device, an impounded vehicle shall be returned to its rightful owner. The cost of the impounding of the sound producing device and, if a vehicle is impounded, the cost of impounding the vehicle and removing the sound producing device shall be paid by the owner, in addition to the forfeitures provided hereinabove. Upon payment of said forfeitures and costs, the sound-producing device shall be returned to the owner. The City may dispose of any impounded sound producing device, or following the procedure for an abandoned vehicle under Section 342.40, Wis. Stats. and impounded vehicle which has remained unclaimed for a period of 90 days after the disposition of the forfeiture action. This section does not apply to a radio, electric sound amplification device, or other sound-producing device on a motorcycle.

11.122 ELECTRICAL INTERFERENCE WITH SIGNAL RECEPTION. No person shall operate any mechanical or electrical appliance which unnecessarily interferes with radio and television reception where such interference can be prevented by reasonable repairs, adjustments or the installation of corrective appliances.
11.123 UNNECESSARY BLOWING OF RAILROAD WHISTLES AND HORNS. (Cr. #95-6; Rep.& Recr. #95-33)

No railroad company or any of its agents, servants or employees shall blow or cause to be blown any whistle or horn within the limits of the City of Watertown, except in those cases prescribed and designated by the laws of the State of Wisconsin, but nothing in this section shall be construed as forbidding or prohibiting the blowing of any whistle or horn as a signal or warning in case of peril, fire, collision or other imminent danger to life and/or property.

Penalty. Any person violating any of the provisions of this section shall be punished by a forfeiture of not more than $200.

Animals

11.130 ANIMALS. (Rep.& Recr. #01-23)

(1) ANIMALS NOT TO RUN AT LARGE. No person shall allow any animal under his possession or control to run at large within the City. "Running At Large" means the presence of an animal at any place, except upon the premises of the owner, without being secured with a leash, rope, chain, or other tethering device, and under the control of a person physically able to control the animal.

(a) Owners of dogs within the secured confines of the public parks property generally known as the “Boomer Street Dog Park” shall be exempt from this subsection and all applicable subsections hereunder. (Cr. #14-22)

(2) DOGS. (Rep. & Rec. #13-28)

(a) (Rep. & Rec. #13-17) Definitions. The terms used in this section shall be defined as follows:

1. “At large.” At large means off the premises of an owner or on any public street, sidewalk, alley, or any other public right of way, school grounds, public park, or other public grounds or on private property without the specific permission or express invitation of such property’s owner or legal possessor or other person in lawful control of the property, and not on a leash that is held or controlled by a human being. For the purposes of this section, the “premises” of an owner shall only mean that property that is owned in title, or, if leased or otherwise legally possessed, only if leased or legally possessed exclusive of any other shared or common use by any other lessee, legal possessor or legal occupant other than a co-tenant, co-signor or co-legal occupant to or under any lease pertaining to the premises.

2. “Vicious dog.” Vicious dog means:

(a) Any dog with a propensity, tendency and/or disposition to attempt to attack, cause injury, contribute to the destruction of public or private property, or otherwise endanger the safety of human beings or other domestic animals, which may be evidenced by habitual or repeated chasing, scratching, snapping, or barking, snarling or growling in a reasonably perceived threatening manner;

(b) Any dog that attacks, bites, attempts to attack or bite, or has attacked or bitten, a human being or another domestic animal; however, a dog shall not be a “vicious dog” under this subsection or subsection (a) above by sole reason of having engaged in any of the behavior described under this subsection or subsection (a) above toward, or in relation, to:

1. Any person who attacked, attempted to attack or otherwise accosted such dog or who engaged in conduct that should be reasonably calculated to provoke such dog to attack or bite such person or another person or otherwise engage in behavior reasonably perceived as threatening, including, but not limited to, directing such behavior towards the dog’s owner or an acquaintance thereof; or,

2. Any person who engaged in provoking or inciting a dog fight or any form of altercation between such dog and another dog or other domestic animal; or,
ORDERLY CONDUCT 11.130(a)(2)(b)(3)

3. Any person who engaged in stopping or dispersing an actual or reasonably believed to be imminent dog fight or any form of altercation involving the dog, so long as such dog, in response to any such intervention, was not the aggressing dog in the dog fight or other form of altercation.

4. Any person engaged in attacking or accosting or attempting to attack or accost any other person or domestic animal; or,

5. Any person engaged in unlawful entry into or upon the fenced or substantially or completely enclosed portion of the premises upon which such dog is kept, or into or upon any automobile or other vehicle parked or stored in or upon the street adjacent to such premises; or,

6. Any dog or other domestic animal engaged in unauthorized entry into or upon the fenced or substantially or completely enclosed portion of the premises upon which such dog is kept; or,

7. Any person engaged in unlawful or unauthorized entry into any automobile or other vehicle in which such dog is kept or confined.

3. “Prohibited dangerous dog.” Prohibited dangerous dog means:

   (a) Any dog that has inflicted substantial bodily harm upon, or caused or contributed to the death of any person on public or private property, whose owner, at the time of such infliction or involvement in fatal attack, failed to demonstrate sufficient provocation consistent subsection 2.(b)1-7 to an investigating law enforcement officer or a court of competent jurisdiction; or,

   (b) Any dog, caused to be present in this City, from another city, village, town, county or state that has been declared or found to be dangerous, vicious or otherwise given a similar designation by that or any other jurisdiction via a judicial or quasi-judicial process irrespective of whether or not such declaration or finding is in an appealable, final form; or,

   (c) Any dog that is, or has been, subject to being destroyed under subsection 174.02(3), Wis. Stats. irrespective of whether such petition or action was disposed of in a manner ordering or otherwise requiring destruction of the dog; or,

   (d) Any rabid dog; or,

   (e) Any wild animal hybrid, including but not limited to wolf hybrids; or,

   (f) Any dog trained, owned, sold, purchased or transferred for the purpose of dog fighting or similar activity.

4. “Own.” Own means owning, possessing, harboring, maintaining charge of, sheltering or keeping no matter the duration of owning, possessing, harboring, maintaining charge of, sheltering or keeping.

5. “Dog.” means a domesticated member of the canis familiaris or canis lupis familiaris species.

6. “Person.” Person” means any individual human being, firm, corporation, organization or other legal entity.

7. “Substantial bodily harm.” Substantial bodily harm means bodily injury that causes a laceration that requires stitches, staples, or a tissue adhesive; any fracture of a bone; a broken nose; a burn; a petechia; a puncture of the skin; a temporary loss of consciousness, sight or hearing; a concussion; or a loss or fracture of a tooth.
(b) Impoundment; Vicious Dog Determination, Status. Any law enforcement officer employed by the City may impound any dog found to be at large, or, reasonably believed, upon personal observation and/or thorough investigation, to have committed or involved itself in one or more of the acts, or otherwise having a presence within the City, in failed conformity with any provisions or requirements under this Chapter and that poses a substantial risk to human health or safety. Any such dog shall be conveyed to the custody of the Watertown Humane Society or other similar and suitable facility as designated by the Chief of Police. Any dog so impounded may be held for a period of not less than five (5) days, and, at the end of such period, become the property of the custodial facility unless the owner thereof may reclaim such dog and pay the custodial facility the reasonable costs of keeping such dog and an impounding fee of ten dollars ($10.00). Whenever acting under this subsection, a law enforcement officer may determine whether the dog is a “vicious dog” pursuant to subsection (2)(b)3. In the event that the law enforcement officer determines that a dog is a “vicious dog,” the owner may be advised of same in writing by the law enforcement officer making such determination and provided a copy of this section and subsections 1-2 below. (Am. #14-20)

1. Appeal of vicious dog determination. Any owner aggrieved by a determination of viciousness, as provided in subsection (c) above, may appeal such determination within fifteen (15) calendar days following the law enforcement officer’s personal service or First Class Mail issuance of the written determination of viciousness to the owner’s last known address. Such appeal may only be taken by the owner’s personal hand-delivery to the City Clerk-Treasurer, with carbon copy to the City Attorney, a written objection to the determination of viciousness setting forth the specific reasons for contesting the determination. Upon receipt of a timely written objection, the matter shall be considered at the next available meeting of the Public Safety and Welfare Committee that is no less than five (5) days from receipt of the written objection. The Public Safety and Welfare Committee shall act as a quasi-judicial body affording the owner reasonable opportunity to present evidence and argument as to why the investigating law enforcement officer’s determination as to viciousness should not be affirmed. A nonrefundable administrative fee of fifty dollars ($50.00) shall be tendered with an owner’s timely written objection under this subsection.

2. Compliance. After fifteen (15) calendar days following personal service or First Class Mail issuance of the written determination of viciousness to the owner’s last known address, or, within ten (10) days of the Public Safety and Welfare Committee’s affirmation of the investigating law enforcement officer’s determination of viciousness, if any, the owner of a “vicious dog” shall, in addition to all other requirements of this Chapter, comply with all provisions under subsection (e)2 for the balance of such dog’s life. Alternatively, the owner shall, within ten (10) days of the Public Safety and Welfare Committee’s affirmation of the investigating law enforcement officer’s determination of viciousness, dispose or cause the disposal of the dog in such manner that humanely euthanizes the dog.

(c) Owner’s duty with respect to any dog.

1. An owner shall see to it that his or her dog does not go at large.

2. No person may own a dog that does any of the following:

   (a) Damages or attempts to damage, any public or private property, except the exclusive private property of the dog’s owner. “Damage” shall include, but not be limited to, defacing, scratching, marring or any type of behavior that contributes to a diminution of value;

   (b) Barks, whines or howls in excessive or continuous fashion to the annoyance of any reasonable complainant; this subsection shall not apply to any veterinary facility, humane society or similar entity;

   (c) Bites or attempts to bite a person or domestic animal;

   (d) Attempts to scratch or otherwise promote harm or engage in any other form of accostment to a human being or domestic animal;

   (e) Puts any person in reasonable fear of attack or accostment.

3. Any dog shall be rebuttably presumed to have engaged in any behavior described in subsections 2(a)–(e) above without provocation. It shall be upon the owner to demonstrate sufficient provocation to preclude conviction under these sections. Sufficient provocation shall be demonstrated consistent with subsection 3(b)1–7.
ORDERLY CONDUCT 11.130(d)

(d) Restrictions on keeping of certain dogs.

1. No person may own a “prohibited dangerous dog.” Any person present with, by any reasonably observed physical association or means of control whatsoever, or causing a presence of a “prohibited dangerous dog” within the City limits, shall be irrefutably considered to own such “prohibited dangerous dog.”

2. No person may own a “vicious dog” except in conformity with the following requirements:

   (a) Leash.

   1. No owner of a “vicious dog” may permit such a dog to go outside its premises, or a form of secure confinement, unless the dog is securely restrained with a chain, rope or other type of leash no longer than six (6) feet in length. For the purposes of this section, the “premises” of an owner shall only mean that property that is owned in title, or, if leased or otherwise legally possessed, only if leased or legally possessed exclusive of any other shared or common use by any other lessee, legal possessor or legal occupant other than a co-tenant, co-signor or co-legal occupant to or under any lease pertaining to the premises.

   2. No person may permit a “vicious dog” to be kept on a chain, rope or other type of leash outside its premises, or a form of secure confinement, unless a person who is sixteen (16) years of age or older, competent to govern the dog’s behavior and capable of physically controlling and restraining the dog, is in physical control of the leash. For the purposes of this section, the “premises” of an owner shall only mean that property that is owned in title, or, if leased or otherwise legally possessed, only if leased or legally possessed exclusive of any other shared or common use by any other lessee, legal possessor or legal occupant other than a co-tenant, co-signor or co-legal occupant to or under any lease pertaining to the premises.

   (b) Confinement.

   1. Except when an owner is in conformity with (a)1 and 2 above, all “vicious dogs” shall be securely confined indoors or in a securely enclosed and locked pen, kennel or other structure that is located on the exclusive premises of the owner and constructed in a manner that does not allow the dog to exit the pen, kennel or other structure inadvertently or upon its own volition. The pen, kennel or other structure shall have secure sides and a secure top attached to all sides. Any structure used to confine a “vicious dog” shall be securely locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to its sides or the sides of such structure must be embedded in the ground at a depth of no less than two feet. A dog may be confined as required under this subsection by its secured enclosure within an area entirely surrounded by a fence of such height, depth of installation, design, structural integrity and strength so as to confine a dog and prevent its ungoverned egress from the confined area. All structures erected to house or confine “vicious dogs” shall comply with all zoning and building regulations of the City.

   2. Indoor confinement. No “vicious dog” may be kept on a porch, patio or similar curtilage upon any premises or in any part of a house, building or other structure that would allow the dog to exit the house, building or other structure, inadvertently or upon its own volition. No “vicious dog” may be kept in a house, building or other structure when the windows are open or when screen windows or screen doors fail to prevent such dog from exiting the house, building or other structure.

   (c) Warning Signage. The owner of a “vicious dog” shall display, in prominent places upon his or her premises near or about all entrances or possible access points to the premises, signs containing letters of not less than two (2) inches in height and width against a pronounced and visible contrasting color field, warning that there is a “vicious dog” upon or about the property. An identical version of such sign is required to be posted on the kennel, pen
ORDERLY CONDUCT 11.130(d)(2)(d)

(d) Spay and Neuter Requirements. Any “vicious dog” must be spayed or neutered if it is known or reasonably believed, or observed to be older than six (6) months. The owner of any “vicious dog” shall possess written proof endorsed by a licensed veterinarian that the dog has been spayed or neutered.

(e) Insurance and special licensing/registration. Any owner of any “vicious dog” shall, on or before November 1, 2013, and annually thereafter, on or before April 1 of each ensuing year, register such dog with the City Clerk-Treasurer as a “vicious dog,” and, additionally, provide, at the time of registration, a high quality current color photograph of such dog, supply proof of spaying or neutering and pay a special registration fee of twenty-five dollars ($25.00). At the time of registration, each owner of any “vicious dog” kept within the City limits shall provide verifiable proof of an in-force and effective policy of liability insurance in amounts of at least one-hundred thousand dollars ($100,000.00) to be paid for any acts of property damage, injury or other liability incurred by virtue of any injury or damage inflicted by such “vicious dog.” Such insurance shall name the City of Watertown as a co-insured solely for the purpose of notice of cancellation of such insurance policy. The City Clerk-Treasurer shall not issue a license for any such “vicious dog” except in conformity with the requirements of this subsection and any license so otherwise issued shall be void.

(f) Multi-family buildings. No “vicious dog” may be owned or otherwise made present within, upon or about any portion of any multiple living unit dwelling building or upon the lands associated therewith. For the purposes of this subsection, a multiple living unit dwelling shall mean only such building that contains three or more separate living units such as, by non-limiting example only, a building commonly known as a “triplex,” or larger. Real property that has been declared a condominium pursuant to the Wisconsin Condominium Act shall not constitute a multiple living unit dwelling building under this subsection.

(g) Notifications. The owner of any “vicious dog” shall, as soon as practical, but not more than 24 hours after any of the following events occurrence, notify or cause notification to the Police Department that such dog:

1. Is at large;
2. Has attacked a human being or domestic animal, whether provoked or not;
3. Is dead;
4. Has been sold, transferred or otherwise given away and to whom (with valid telephone number and valid mailing address), for what purpose and for what, if any, exchange of value.

(h) Limit on number of vicious dogs. The owner of any “vicious dog” shall not own more than one (1) additional dog.

(i) Orders of Municipal Court and Agreements. No owner may own any “vicious dog” contrary to any order issued by the Municipal Court or agreement reached with the City Attorney and/or the Public Safety and Welfare Committee related to the ownership of such dog.
11.132 HARASSMENT OF POLICE ANIMALS. (Repealed #97-59; Cr.#00-10)

(1) No person may do any of the following to any animal that is used by a law enforcement agency to perform agency functions or duties:

(a) Frighten, intimidate, threaten, abuse or harass the animal.

(b) Strike, shove, kick or otherwise subject the animal to physical contact.

(c) Strike the animal by using a dangerous weapon.

(2) Subsection (1) does not apply to any of the following:

(a) Any act that is performed by or with the authorization of the animal's handler or rider.

(b) Any act that is necessary for the training of an animal to perform functions or duties for a law enforcement agency.

(3) Penalties. A violation of this ordinance shall carry a forfeiture which conforms with the bond schedule set forth in Section 11.08, as modified.

11.133 SALE OR GIFT OF ANIMALS PROHIBITED. It shall be unlawful for any person to sell, offer for sale, barter or give away any domestic animal or vertebrate as a prize or as an inducement to enter any contests, game or other competition; or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement when the offer was for the purpose of attracting trade. (Cr. #89-97)

11.134 REMOVAL OF ANIMAL DEFECATION. (Cr. #90-53)

(1) It shall be unlawful for the owner or person who has custody of a dog on any public or private property, other than the premises of the owner or person having custody of said dog, to permit said dog to defecate on any property without failing to remove any excrement deposited by such a dog promptly, and dispose of the same in a sanitary manner.

(2) This section shall not apply to a person who is visually or physically handicapped.

11.135 SMOKING PROHIBITED. (Cr. #10-12) (Repealed #10-22)

(1) State Law adopted. Section 101.123 of the Wisconsin Statutes, and as may be amended from time to time, is hereby adopted by reference.
Gambling, Tobacco, Alcohol and Drugs

11.140 GAMBLING, LOTTERIES, FRAUDULENT DEVICES AND PRACTICES.

(1) All forms of gambling, lotteries and fraudulent devices and practices prohibited by Ch. 945, Wis. Stats. are prohibited within the City.

(2) Any policeman or peace officer of the City is authorized to seize anything devised solely for gambling or found in actual use for gambling within the City and to dispose of such device after a judicial determination on that said device was so devised or used.

11.141 USE OF TOBACCO PRODUCTS IN TAXICABS PROHIBITED. (Cr. #95-37) It shall be unlawful for any person to smoke or to carry a lighted or smoldering cigarette, cigar or pipe in any taxicab within the City.

11.142 USE OF CIGARETTES AND TOBACCO PRODUCTS PROHIBITED. (Rep. & Recr. #92-87)

(1) Except as provided in Sub-section 2, and pursuant to Section 48.983 Wis. Stats. no child 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 products; or

C. Possess any cigarette or tobacco product.

(2) A child 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 licensed under Section 134.65(1) Wis. Stats.

(3) A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of Sub-section 1 committed in his or her presence.

(4) Any child who violates this section shall be subject to a forfeiture not to exceed $25.00. If a child fails to pay the forfeiture, the Court may suspend his drivers license for not less than 30 days nor more than 90 days. The Court shall immediately take possession of the suspended license, and forward it to the Department of Transportation, together with the notice of suspension clearly stating that the suspension is for failure to pay a forfeiture imposed by the Court. If the forfeiture is paid during the first 30 days after the license is suspended, the suspension shall be reduced to the minimum period of 30 days. If it is paid thereafter, the Court shall immediately notify the Department, which will, thereupon, return the license to the person.

(5) No person shall use tobacco products on any school premises located within the City of Watertown. The term "school premises" is defined in Section 11.110 (5)(a) of this Code of Ordinances. A violation of this section shall result in a forfeiture not to exceed $50.00. (Cr. #96-14)

11.143 RESTRICTIONS ON SALE OR GIFT OF TOBACCO PRODUCTS. (Cr. #94-38)

(1) Pursuant to Section 134.66 (5) Wis. Stats. the Common Council of the City of Watertown does hereby incorporate by reference, all of the provisions of Section 134.66, Wis. Stats.
(2) RESTRICTIONS.

(a) No retailer may sell or give cigarettes or tobacco products to any person under the age of 18, except as provided in Section 48.983 (3), Wis. Stats. A vending machine operator is not liable under this paragraph for the purchase of cigarettes or tobacco products from his or her vending machine by a person under the age of 18, if the vending machine operator was unaware of the purchase.

(b) 1. A retailer shall post a sign in areas within his or her premises where cigarettes or tobacco products are sold to consumers that the sale of any cigarette or tobacco product to a person under the age of 18 is unlawful under this Section and Section 28.983, Wis. Stats.

2. A vending machine operator shall attach a notice in a conspicuous place in front of his or her vending machines stating that the purchase of any cigarette or tobacco product by a person under the age of 18 is unlawful under Section 48.983, Wis. Stats. and that the purchaser is subject to a forfeiture of not to exceed $25.00.

(c) 1. Except as provided hereafter, no retailer may keep a vending machine in any public place that is open to persons under the age of 18 unless all of the following apply:

a. The vending machine is in a place where it is ordinarily in the immediate vicinity, plain view and control of any employee.

b. The vending machine is in a place where it is inaccessible to the public when the premises is closed.

2. The person who ultimately controls, governs or directs the activities within the premises where the vending machine is located shall insure that an employee of the retailer remains in the immediate vicinity, plain view and control of the vending machine whenever the premises is open.

3. Except as provided in sub-paragraph iv, a vending machine operator shall remove all of his or her vending machines that are located in any place prohibited by this paragraph upon the adoption of this Ordinance.

4. Notwithstanding sub-paragraph iii, if a written agreement binding on a vending machine operator governs his or her vending machine that is located in any place prohibited by this paragraph, the vending machine operator shall remove the vending machine on the date that the written agreement expires, or would be extended or renewed, or upon the adoption of this Ordinance, whichever occurs first.

(d) Notwithstanding the provisions of this Ordinance provided hereinabove, no retailer may place a vending machine within 500 feet of a school. If a written agreement binding on a vending machine operator governs the location of his or her vending machine which is located within 500 feet of a school, the vending machine operator shall remove the vending machine on the date that the written agreement expires, or upon the adoption of this Ordinance, whichever occurs first.

(e) No manufacturer, distributor, jobber, sub jobber or retailer, or their employees or agents, may provide cigarettes or tobacco products for nominal or no consideration to any person under the age of 18.
3. DEFENSE OF RETAILER. Proof of all of the following facts by a retailer who sells cigarettes or tobacco products to a person under the age of 18 is a defense to any prosecution for a violation of the provisions of this Ordinance:

(a) That the purchaser falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser was such that an ordinary and prudent person would believe that the purchaser had attained the age of 18.

(c) That the sale was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser, and in the belief that the purchaser had attained the age of 18.

4. PENALTIES. A person who commits a violation is subject to a forfeiture of:

(a) Not more than $500.00 if the person has not committed a previous violation within twelve (12) months of the violation; and

(b) Not less than $200.00 nor more than $500.00 if the person has committed a previous violation within twelve (12) months of the violation.

(c) A court shall suspend any license or permit issued under Section 134.65, 139.34 or 139.79, Wis. Stats. to a person for:

1. Not more than three (3) days if the court finds that the person committed a violation within twelve (12) months after committing one previous violation;

2. Not less than three (3) days nor more than ten (10) days, if the court finds that the person committed a violation within twelve (12) months after committing two (2) other violations;

3. Not less than fifteen (15) days nor more than thirty (30) days, if the court finds the person committed the violation within twelve (12) months after committing three (3) or more other violations.

(d) The court shall promptly mail notice of a suspension as provided hereinabove to the Department of Revenue and to the Clerk of the municipality, which has issued a license, or permit to the person.

(e) Whoever violates Section 2 (b) hereinabove shall forfeit not more than $25.00.

11.144 POSSESSION OF ALCOHOL BEVERAGES ON PUBLIC WAYS. (Rep & Recr entire section #09-33) (Am. #10-43)

(1) No person shall have in his possession any can, bottle or other receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released, or drink from the same on any public street, sidewalk, boulevard, boardwalk, alley or public parking lot or on in any vehicle parked on a public street, alley or public parking lot. “Public Parking Lot” shall include all premises held out to the public for use of their motor vehicles, whether such premises are publicly or privately owned, and whether or not a fee is charged for the use thereof.

(2) No person shall have in his possession any can, bottle or other receptacle containing alcohol beverages if the bottle or receptacle has been opened, the seal has been broken or the contents of the bottle or receptacle have been partially removed or released, or drink from such can, bottle or receptacle on the Watertown Riverwalk and the contiguous public property between the Cady Street Bridge and the Milwaukee Street Bridge along both the east side and the west side of the Rock River.

3) EXCEPTIONS.

(a) This section shall not apply to such events for which a “Class “B” Picnic License” has been obtained under Chapter 9 of this Code.

(b) This section shall not apply to those areas designated in paragraph (1) of this section that may be temporarily closed for a city-approved event. (Cr. #05-19)
11.145 USE OF LODGING ESTABLISHMENTS.  (Cr. #96-17)

(1) In this Section:

a. "Alcohol beverages" has the meaning given in Section 125.02 (1), Wis. Stats.

b. "Controlled substances" has the meaning given in Section 161.01 (4), Wis. Stats.

c. "Lodging establishment" has the meaning given in Section 101.22 (1m)(n), Wis. Stats.

d. "Underage person" has the meaning given in Section 125.02 (20m), Wis. Stats.

(2) Any person who procures lodging in a lodging establishment, and permits or fails to take action to prevent any of the following activities from occurring in the lodging establishment, is subject to the penalties provided in sub. (5):

a. Consumption of an alcohol beverage by any underaged person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.

b. Illegal use of a controlled substance.

(3) An owner or employee of a lodging establishment may deny lodging to an adult if the owner or employee reasonably believes that consumption of an alcohol beverage by an underaged person, not accompanied by his or her parent, guardian or spouse, who has attained the legal drinking age, or illegal use of a controlled substance, may occur in the area of the lodging establishment procured.

(4) An owner or employee of a lodging establishment may require a cash deposit or use of a credit card at the time of application for lodging.

(5) A person who violates Sub. (2) shall forfeit:

a. Not more than $500.00 if the person has not committed a previous violation within 12 months of the violation; or

b. Not less than $200.00 nor more than $500.00 if the person has committed a previous violation within 12 months of the violation.

11.146 POSSESSION OF MARIJUANA.  (Rep. & Recr. #97-66)

(1) No person may possess or attempt to possess twenty five (25) grams or less of either marijuana or a derivative of marijuana, as defined in Section 961.01 (14) of the Wisconsin Statutes, as amended from time-to-time, unless the person obtains the substance or the derivative directly from, or pursuant to a valid prescription or order of, a practitioner, who is acting in the course of his or her professional practice, or unless the person is otherwise authorized by this chapter to possess the substance or the derivative.

(2) This ordinance is adopted pursuant to Section 66.051 (1) (bm) of the Wisconsin Statutes and shall be enforced in a manner consistent with the guidelines contained therein. Any person who violates this ordinance is subject to a forfeiture of not less than $10.00 nor more than $500.00, plus all applicable court costs and assessments.
11.148 INSTRUMENTS FOR USE WITH CONTROLLED SUBSTANCES. (Repeal & Recr. #07-03)

(1) INTENT. It is determined by the Common Council that the open display and availability for sale of simulated controlled substances and instruments used for inhaling or ingesting controlled substances in places of business and within the schools of the City suggests and encourages the illegal use of drugs and other controlled substances by the youth of the City of Watertown. The Common Council finds that such availability and display serves to entice young people and others to abuse substances which are known to be harmful and unsafe for human consumption. The Common Council further finds that to protect the health, safety and general welfare of the youth and others of the City of Watertown, it is necessary that the regulations herein provided be enacted.

(2) DEFINITIONS. As used in this section.

(a) Cocaine Spoon is a spoon with a bowl so small that the primary use for which it is reasonably adapted or designed is to hold or administer cocaine, and which is so small as to be unsuited for the typical, lawful uses of a spoon. A cocaine spoon may or may not be merchandised on a chain and may or may not be labeled as a "cocaine" spoon or "coke" spoon.

(b) Controlled Substance means any drug, substance or immediate precursor enumerated in Schedules I through V of the Uniform Controlled Substances Act found in Chapter 161, Wis. Stats. and as such Schedules may from time to time be amended.

(c) Drug means:

1. Substances recognized as drugs in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States or Official National Formulary or any supplementary to any of them.

2. Substances intended for use in the diagnosis, cure, medication, treatment or prevention of disease in man or animals.

3. Substances, other than food, intended to affect the structure or function of the body of man or animals.

4. Substances intended for use as a component of any article specified in subsec. 1, 2, and 3 above.

(d) Drug Paraphernalia Shall be as adopted as set forth in Section 961.571(1) of the Wisconsin Statutes and any subsequent amendments to Section 961.571(1) of the Wisconsin Statutes.

(3) DETERMINATION. Shall be adopted as set forth in Section 961.572 of the Wisconsin Statutes and any subsequent amendments to Section 961.572 of the Wisconsin Statutes.

(4) SALE AND DISPLAY OF INSTRUMENTS AND SIMULATED CONTROLLED SUBSTANCES PROHIBITED. It shall be unlawful for any person to sell, offer for sale, display, furnish, supply, give away, deliver, possess with intent to deliver or manufacture with intent to deliver, any cocaine spoon, marijuana pipe, hashish pipe, simulated drugs or simulated controlled substances, or any drug paraphernalia under circumstances where he knows, or should reasonably know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or simulated controlled substance, in violation of this section, or any state or federal law, relating to any controlled substance.

(5) POSSESSION OF INSTRUMENTS AND SIMULATED CONTROLLED SUBSTANCES PROHIBITED. It shall be unlawful for any person to use or possess with intent to use, any simulated drugs or simulated controlled substances or any drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or simulated controlled substance in violation of this section, or any state or federal law, relating to any controlled substances.
(6) MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA
No person may deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing that it will be primarily used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog in violation of this chapter.

(7) ENHANCED PENALTY UPON DELIVERY OR SALE TO A MINOR. Any person who is 17 years of age or older who violates subsec. 6 herein, by delivering drug paraphernalia to a person 17 years of age or under, who was at least three (3) years younger than the violator, shall be required to forfeit not less than $200.00 nor more than the maximum penalty allowed under sec. 25.04 of this Code, together with the costs of prosecution thereof.

(8) EXCEPTIONS. The prohibition of this section shall not apply to:

(a) The display of any such items for education or scientific purposes;

(b) Manufacturers, wholesalers, pharmacists, practitioners engaged in the normal, lawful course of their respective business or professions, nor to patient's possession of such materials pursuant to a valid prescription or suffering from diabetes or any other medical condition requiring self-injection, nor to warehousemen or their employees engaged in the lawful transportation of simulated controlled substances or instruments;

(c) To public officers or employees while engaged in the performance of their official duties.

(9) SEIZURE AND FORFEITURE OF INSTRUMENTS AND SIMULATED CONTROLLED SUBSTANCES. All cocaine spoons, marijuana pipes, hashish pipes, simulated drugs or simulated controlled substances or drug paraphernalia used or possessed in violation of this section may be seized by any law enforcement officer, and shall be disposed of either by retention for official use in educational or scientific displays, or by destruction or disposition according to law.

(10) DECLARATION OF NUISANCE. Any violation of this section is hereby declared to be a public nuisance. In addition to any other relief provided in this chapter, the City Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this section. Such application for relief may include, but is not limited to, seeking a temporary restraining order, temporary injunction and permanent injunction.
11.149 SMOKING IN PROHIBITED PLACES (Created #10-22)

(1) Definitions.
   (a) "Person in charge" means the person, or his or her agent, who ultimately controls, governs or directs the activities aboard a public conveyance or at a location where smoking is prohibited or regulated under this section.
   (b) "Prohibited place" means any place or location in the city of Watertown as described in ss. 101.123(2)(a), (d) and (e), Wis. Stats.

(2) No person may smoke in or at any prohibited place or location.

(3) A person in charge:
   (a) may not allow any person to smoke in or at any prohibited place or location under the control or direction of the person in charge.
   (b) may not provide matches, ashtrays, or other equipment where smoking is prohibited.
   (c) shall make reasonable efforts to prohibit persons from smoking at a location where smoking is prohibited by doing all of the following:
       1. Posting signs setting forth the prohibition and providing other appropriate notification and information concerning the prohibition.
       2. Refusing to serve a person, if the person is smoking in a restaurant, tavern, or private club.
       3. Asking a person who is smoking to refrain from smoking and, if the person refuses to do so, asking the person to leave the location.
   (d) shall immediately notify an appropriate law enforcement agency of a violation if a person refuses to leave a place or location after being requested to do so.

(4) If the person in charge has not previously received a warning notice for a violation of subs. (3)(b) through (3)(c), the law enforcement officer shall issue the person in charge a warning notice and may not issue a citation.

(5) No single person in charge may be required to forfeit more than $100 in total for all violations of sub. (3)(b) through (3)(c) occurring on a single day.

(6) All definitions and other provisions of Section 101.123 of the Wisconsin Statutes consistent with the foregoing, and as may be amended from time to time, are hereby adopted by reference.
G. PARK REGULATIONS

11.160 TITLE AND PURPOSE. (Cr. #97-59) The purpose of these park regulations is to provide rules and regulations for the use of and conduct in the parks and recreation areas of the City; to protect parks and recreation areas of the City from fire, abuse, and desecration and to provide for the recreational use of these areas; to control and regulate traffic and maintain general order therein; and to further the safety, health, comfort, morals, and welfare of all persons while within the limits of the parks and recreation areas.

11.161 APPLICABILITY. (Cr. #97-59) These park regulations shall apply in all parks and recreation areas under the jurisdiction of the City, unless expressly exempted. For the issuance of permits, temporary designations, authorizations, granting of approval and other actions, authority shall be vested in the approving governing agency, the Director or their designee.

11.162 DEFINITIONS. (Cr. #97-59) (Am. #12-30)

(1) Animals - includes cats, dogs, horses, any fowl or birds and any living creatures within the jurisdiction of the park or recreation area.

(2) Approving Governing Agency - means the City of Watertown Park and Recreation Commission or its designee.

(3) Crossing - any crossing whether marked by a pavement or otherwise; the extension to any sidewalk space across any intersecting drive, street, highway.

(4) Curb - any boundary of any street, road, avenue, boulevard, or drive, whether or not marked by a curb.
ORDERLY CONDUCT 11.162

(5) **Department** - means the City of Watertown Park, Recreation, and Forestry Department.

(6) **Director** - means the Director of the City of Watertown Park, Recreation, and Forestry Department. In the absence of said employee or a vacancy in the position, the Assistant Director shall serve as Director.

(7) **Firearm** means any instrument used in the propulsion of a bullet, shot, slug or other projectile by the force or action of gunpowder exploded or burned in it, except a weapon as defined in sub-section (22) below.

(8) **Law Enforcement Officer** means any person employed by the State of Wisconsin or any political subdivision of this state, for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances he or she is employed to enforce.

(9) **Merchandise** - means personal property of any kind, including food, beverages, merchandise, goods or materials provided incidental to services offered or sold. This sale of merchandise includes donations required by the Seller for the retention of goods or services by a donor or prospective customer.

(10) **Park Attendant** - any person employed by the Department as a parks attendant to perform duties or tasks within the park and recreation areas.

(11) **Park Event** - Celebrations, special events, company or church picnics, gatherings of organizations or associations, family reunions and other similar activities requiring additional personnel, equipment or services of the Department or police protection/crowd control.

(12) **Parks and Recreation Areas** - means those areas within the jurisdiction of the approving governing agency and owned or leased by the City of Watertown, whether or not such areas are located within the corporate limits of the City of Watertown. Such areas shall be designated on the official map of the approving governing agency.

(13) **Path** - any footpath, walk, or any path maintained for pedestrians.

(14) **Pedestrian** - means a person afoot.

(15) **Permit** - any written license issued by or under the authority of the approving governing agency permitting a special event or activity on park facilities.

(16) **Person** - any natural person, corporation, company, association, joint stock association, firm, partnership, limited liability company or limited liability partnership.

(17) **Soliciting** - persons selling goods or services by sample or taking orders for future delivery with or without accepting advance payment for the goods. Persons seeking any form of contributions.

(18) **Stopping or Standing When Prohibited** - means any cessation of movement of a vehicle occupied or not, except when necessary to avoid conflict with pedestrians or other traffic including horses and bicycles.

(19) **Traffic** - means pedestrians, ridden or herded animals and vehicles, either singly or together.

(20) **Vehicle** - any conveyance (except baby carriages) including motor vehicles, trailers of all types, campers, tricycles, bicycles (motorized or not), sleds, sleighs, pushcarts, vehicles propelled by other than muscular power, or any horse or horse-drawn conveyance.

(21) **Vending** - selling or trading any item or service.

(22) **Weapon** means a handgun, an electric weapon, as defined in § 941.295(1c)(a), Wis. Stats., a knife with a blade longer than 6 inches, other than a switchblade knife as defined in § 941.24, Wis. Stats., or a billy club.

11.163 RULES OF CONDUCT  

(Cr. #96-10A; Rep. #97-59; Cr. #97-59) It shall be unlawful for any person in a park or recreation area to:

Chapter 11 – Orderly Conduct 06/02/2015
(1) Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, playground equipment, bridges, tables, benches, fireplaces, railings, pavings or paving materials, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts, or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal.

(2) Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms and washrooms designated for the opposite sex.

(3) Dig or remove any soil, rock, sand, stones, trees, shrubs or plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means, unless specifically authorized by the approving governing agency.

(4) Construct or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service utility into, upon, or across such lands, unless specifically authorized by the approving governing agency.

(5) Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any park or recreation area.

(6) Climb any tree, or walk, climb, stand or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.

(7) Attach any rope or cable or other contrivance to any tree, fence, railing, bridge, bench, or other structure.

(8) Throw, discharge, or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, river or other body of water in or adjacent to any park or recreation area or any tributary, stream, storm sewer, or drain flowing into such water, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters.

(9) Take into, carry through, or put into any park, or recreation area, any rubbish, refuse, garbage, or other material. Such refuse and rubbish generated from the use of the parks by any person shall not be scattered, dropped, or left within the parks or recreation areas except in receptacles provided for that purpose. Where receptacles are not provided, all such rubbish or waste shall be carried away from the park or recreation by the person responsible for its presence, and properly disposed of elsewhere.

(10) Bring any glass beverage container into any park or recreation area.

(11) Cause or permit any animal to run loose.

(12) Tie or hitch an animal to any tree or plant.

(13) Hunt, molest, harm, frighten, kill, trap, pursue, chase, tease, shoot or throw missiles at any animal, wildlife, reptile or bird; nor shall a person remove or have in one's possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird.

(14) Ride a horse except on designated bridle trails; horses shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended.

(15) Allow any domestic animal under that person's control to be present within any public park or recreation area, other than those areas which the Director, or his designee, has designated for the purpose of walking animals. Any such animals shall be required to be on a leash and may not run at large. Owners of dogs within the secured confines of the public parks property generally known as the "Boomer Street Dog Park" shall be exempt from this subsection. (Am. #14-21)
(16) Play live, recorded or transcribed music on radios, compact discs, audio tapes, or by any other means, at a volume high enough as to interfere with the enjoyment of the park by other persons or groups.

(17) Interfere with or in any manner hinder any park attendant or employee of the Department in the performance of his or her duties.

11.164 VEHICLES. (Cr. #97-59) It shall be unlawful for any person in a park or recreation area to: (Am. #12-30)

1. Driving Motor Vehicle on Park Grounds. Drive, or operate or park any motor vehicle on any area except the paved streets or paved parking areas within any park or recreation area, and in such other areas as may on occasion be specifically designated as temporary parking areas with appropriate signage, unless a permit has been issued by the Director.

(a) The Director may issue a permit to allow a person to drive or operate any motor vehicle in any area of a park or recreation area other than the public roadways for the purpose of loading or unloading personal property or passengers.

(b) Any motor vehicle issued a permit under this Section while traveling on any such areas other than public streets or roadways shall be accompanied by a walking escort leading the vehicle to its destination and shall have the permit prominently displayed on said vehicle at all times while on park or recreation area grounds.

2. Parking Motor Vehicle on Park Grounds. Park a motor vehicle anywhere in any public park or recreation area except in a designated parking area, unless a permit has been issued therefore by the Director.

(a) The Director may issue a permit to allow a person to park or leave standing any motor vehicle in any area of a park or recreation area, other than the public roadways for the purpose of providing event support, a source of electrical current or refrigeration facilities for special events or activities.

(b) Any motor vehicle issued a permit under this Section while traveling on any such areas other than public streets or roadways shall be accompanied by a walking escort leading the vehicle to its destination and shall have the permit prominently displayed on said vehicle at all times while on park or recreation area grounds.

3. Discharging Motor Oil Prohibited. Intentionally discard or discharge motor oil or any other vehicle fluid in a park or recreation area.

4. Vehicle Washing Prohibited. Wash the exterior of a vehicle or any holding tanks for sanitary waste, or to empty sanitary waste from a vehicle, motor home or camper within a park or recreation area.

5. Vehicle Maintenance Prohibited. Perform any type of vehicle maintenance activity which would involve changing of fluids, opening an engine access panel, removing or elevating one or more tires or a portion of the vehicle, or crawling beneath a vehicle within a park or recreation area, except in an emergency situation.

6. Exceptions. Paragraphs (1) and (2) of this Section shall not apply during the period of the Riverfest celebration as regulated by Section 11.115 of the General Ordinances.

11.165 FIREARMS AND WEAPONS. (Cr. #97-59) (Am. #12-30):

(1) No person may go armed with a concealed and dangerous weapon in any public park or public recreation area within the City unless such person qualifies under the exceptions below:

(a) A person who is employed in this state by a public agency as a law enforcement officer to carry a concealed weapon if Section 941.23(1)(g)(2.) through (5.) and (2)(b)(1.) to (3.) of the Wisconsin Statutes applies.

(b) A qualified out-of-state law enforcement officer, as defined in Section 941.23(1)(g) of the Wisconsin Statutes to carry a concealed weapon if Section 941.23(2)(b)(1.) to (3.) of the Wisconsin Statutes applies.

(c) A former law enforcement officer, as defined in Section 941.23(1)(c) of the Wisconsin Statutes to carry a concealed weapon if Section 941.23(2)(c)(1.) to (7.) of the Wisconsin Statutes applies.

(d) A licensee, as defined in Section 175.60(1)(d) of the Wisconsin Statutes, or an out-of-state licensee, as defined in Section 175.60(1)(g) of the Wisconsin Statutes, to carry a concealed weapon as permitted under Section 175.60.
(2) No person, except in the exercise of lawful authority, shall fire or discharge any weapon, firearm, spring gun or air gun, slingshot, bow or crossbow of any description in any public park or public recreation area within the City.

(3) Exception. Official starter guns, which are loaded with blank cartridges, are allowed at authorized track and field events and are excepted from the restrictions of this section.

**11.166 ADVERTISING, ASSEMBLAGES, ENTERTAINMENT.** (Cr. #97-59) (Am. #12-30)

(1) No person shall post, paint, affix, place, cast or leave about, any bill, billboard, placard, ticket, handbill, circular, or advertisement.

(2) No person shall do any of the following without a permit, provided that no permit shall be required for any action or event sponsored by the City or the approving governing agency.

- (a) Display any advertising signs or other advertising matter, provided that a sign attached to a vehicle to identify the vehicle, or a sign lawfully on a taxi or bus, is not prohibited.

- (b) Operate for advertising purposes any musical instrument, soundtrack or drum.

- (c) Hold unlawful public assemblies.

- (d) Conduct exhibitions.

- (e) Hold a parade.

(3) Amplified Music Permit. No public address systems or sound amplification devices shall be used in any public park or public recreation area within the City of Watertown except as permitted by this Section. The Director may issue permits in accordance with this Section. A permit shall not exempt the holder from the provisions of Section 11.120 regulating loud and unnecessary noise.

- (a) Application for permission to use such systems or devices shall be made to the Director on forms supplied by the Parks, Recreation and Forestry Department. Such application forms shall include the name of the organization seeking such permission, the name and address of the person responsible for the activity, and the date or dates of the proposed activity. A Permit Fee of $30.00 shall accompany the Application.

- (b) The Director shall establish the hours of operation and location within any given park within the City of any such system or devices so as to insure the benefit of such system or devices to the group seeking its use and to minimize any unreasonable interference with the peace and enjoyment of other uses of the park or recreation area and those residing adjacent to such park. Only the hours of operation and location of such system or equipment may be regulated by this section. The hours of amplified sound shall be between the hours of 8:00 a.m. and 11:00 p.m., with the express provision that private parties shall be designated closer to 10:00 p.m. as a termination time, whereas more community-oriented events sponsored by fraternal or non-profit organizations, religious or veterans organizations that have a wider community-based appeal shall be designated closer to 11:00 p.m. as a termination time. The Director shall consider the applications in the order they are received on a “first come, first issued” basis.

- (c) The decision of the Director may be appealed to the Parks, Recreation and Forestry Commission of the City. Any aggrieved applicant shall, in writing, notify the Director of the appeal within five (5) days of the Director’s decision, stating in such notice the decision appealed from and the reasons why such decision should be changed or modified. Within two (2) working days thereafter, the Director shall file such appeal notice with the Chairperson of the Park, Recreation and Forestry Commission who shall schedule a time for the matter to be heard. The applicant shall be given at least five (5) business days notice of the hearing time and date, and may be represented by counsel, may cross-examine the witnesses, and may present witnesses. The proceeding shall be recorded. Within five (5) days after the date of the hearing, the Parks, Recreation and Forestry Commission shall file a written decision in this matter with the City Clerk and shall cause a copy of the same to be mailed to the applicant by regular mail at applicant’s address listed in the application.
(d) The decision of the Parks, Recreation and Forestry Commission may be appealed to the Watertown Common Council whose decision shall be final. The appeal to the Common Council shall be upon the record of the hearing made before the Parks, Recreation and Forestry Commission. The applicant shall, in writing, notify the City Clerk of such appeal within five (5) days of the decision of the Parks, Recreation and Forestry Commission and shall within twenty (20) days thereafter file with the City Clerk the original and five (5) copies of the transcript of the record made before the Parks, Recreation and Forestry Commission at the hearing. The City Clerk shall then cause the matter of the appeal to be placed on the agenda of the Common Council at its next regular meeting and shall notify the applicant of the time and place wherein such appeal shall be heard. The matter shall be heard by the Common Council solely on the record of the hearing and no additional testimony shall be permitted before the Common Council. The Chairperson of the Parks, Recreation and Forestry Commission, or his or her designee, and the appellant may present arguments to the Common Council in support of their respective positions. Within five (5) days after the hearing, the Common Council shall file a written decision in the matter with the City Clerk who shall cause a copy of the same to be mailed to the appellant by regular mail at appellant’s address listed in the application.

(e) The Police Department is authorized to require the discontinuance of any such system or devices operating without a permit or outside the prescribed hours of operation or prescribed location within any public park or recreation area within the city. Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than twenty dollars ($20.00) nor more than fifty dollars ($50.00).

(f) Exemption: The use of personal stereo systems, CD players, I-Pod/MP3/I-Pad devices, and other personal sound non-amplification equipment are exempt from the provisions of this section regarding a permit as long as such devices are maintained at a low volume and restricted to the immediate picnic area in the public park or recreation area occupied by the operators of such devices.

11.167 SALES PROHIBITED. (Cr. #97-59) No person shall expose or offer for sale or give away any article of merchandise, food, food product or beverage in any park or recreation area, without a concessions permit under Section 9.07 of the Licensing Code.

11.168 IGNITABLE AND COMBUSTIBLE MATERIALS. (Cr. #97-59) No person shall kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throw away or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, boat or vehicle, or under any tree or in underbrush.

11.171 MISCELLANEOUS CONDUCT. (Cr. #97-59) It shall be unlawful for any person in a park or recreation area to:

1. Camp or stay overnight anywhere without prior permission of the Director, except in areas designated for camping or staying overnight in vehicles or trailers.

2. Take part in the playing of any games involving horseshoes, weighted darts, bows and arrows, spears, stones or other propelled objects except in those areas designated for such forms of recreation.

3. Use roller skates, skateboards, bicycle or inline skate on any park structures, picnic tables, playground equipment or retaining walls.

4. Enter an area posted as "closed to the public."

5. Engage in threatening, abusive, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace, or cause a disturbance.

6. Fail to produce and exhibit any permit a person claims to have, upon request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any ordinance or rule, including park attendants, law enforcement officials or firefighters.
(7) Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity whether or not under the authority of a permit.

(8) Erect or occupy any tent, stand or other structure in any park or recreation areas without permission of the Director requiring ground stakes longer than twelve inches (12") in length.

(9) Operate or ride any bicycle, roller skates, skateboards or inline skates on that portion of the sidewalk adjacent to the Watertown Aquatic Center at Riverside Park extending from the cul-de-sac at Perry Street to the entrance of the Watertown Aquatic Center, a distance of 225 feet.

(10) Fly or launch any model airplanes, radio-controlled airplanes or model rockets other than in areas designated for such activities.

(11) Play or practice golf except in areas designated for such activities.

(12) Ride or operate snowmobiles or all-terrain vehicles (ATVs) except in areas designated for such activities.

(13) Play or practice basketball at the Riverside Park basketball courts between the hours of 9:00 p.m. and 8:00 a.m. (Cr. #03-24)

(14) Operate or ride any bicycle, roller skates, skateboards, inline skates or any other ridable or wearable recreational wheeled object or device on any portion of the sidewalk, or any impervious surface, within or adjacent to any shelter, pavilion or band shell at Riverside Park. (Cr. #14-35)
11.172 SWIMMING POOLS. (Cr. #97-59) It shall be unlawful for any person or group of persons to use the public swimming pools in any park after the same are closed.

11.173 BOATING. (Cr. #98-59) Any person desiring to use any kind of a boat in parks shall abide by the ordinances relating to boating in public places. No boats with motors shall be permitted, except in areas specifically designated for them.

11.174 CLOSING HOURS. (Cr. #97-59) Except for designated camping areas, no person shall be in any park during the hours the park or recreation area is closed, unless specifically authorized by the approving governing agency.

(1) All parks are closed from 11 p.m. to 5:00 a.m., with the exception of the Skate Park located east of Carriage Hill Drive, which shall be closed from 10:00 p.m. until 5:00 a.m., and with the exception of special events or activities authorized and approved by the City Council. (Am.#01-21; #05-47)

(2) Closing hours will be posted at all parks.

11.175 PARK USE SUSPENSION (Cr. #15-8) Separately from any penalties prescribed within this Chapter or Code, Wisconsin State Statutes, or any other applicable rule or regulation, the Chief of Police, or any designee thereof, may suspend the park privileges of any person found to be, or reasonably believed to be, in violation of city ordinances, state statutes, or other applicable rules and regulations within city parks. Any such suspension shall be immediately effective for not less than four (4) days and not more than fourteen (14) days and shall be in writing and personally served upon the individual whose privileges are suspended, or, delivered by First Class Mail to such individual’s last known or reasonably ascertainable address. If said individual is a juvenile, notice shall be in writing and personally served upon the juvenile and the juvenile’s parent and/or guardian or delivered by First Class Mail to such juvenile’s and the juvenile’s parent and/or guardian’s last known or reasonable ascertainable address. After such service, any reentry into or upon city parks shall constitute a separately citable offense hereunder with penalty pursuant to Section 11.190 or 11.82. Citation for reentry shall also cause the initial term of suspension to be reset and reimposed as of the date of any subsequent reentries.

(1) Appeal. Any person considering him or herself aggrieved by all or any part of a park use suspension may appeal such action in writing within 72 hours of issuance of written notice of park use suspension. Any such written appeal shall be filed with the City Clerk/Treasurer along with an administrative filing fee of $30.00. The City Clerk/Treasurer shall immediately thereafter transmit notice of the appeal and copies of the written appeal submittal to the Director of the Park and Recreation Department, Police Chief and City Attorney. The Director of the Park and Recreation Department shall convene with the appellant to hear such appeal as soon as practicable following receipt of written notice of appeal. Following consideration, the Director of the Park and Recreation Department shall either reverse or affirm the park use suspension action setting forth the grounds for any such decision in writing. If the park use suspension action is reversed, the thirty dollars ($30.00) administrative filing fee shall be refunded to the payer. The Park and Recreation Department shall, by certified First Class Mail, notify the appealing party of its decision within five (5) calendar days following conclusion of any hearing hereunder and file the written decision with the City Clerk/Treasurer and issue copies of same to the Police Chief and City Attorney.

(2) Form and effect of notice. Any notice of suspension shall include a reasonably informative description of the foregoing appeal procedure as well as exact time of effective issuance and duration of the term of suspension. The suspension notice shall have no force or effect during the pendency of any appeal timely and satisfactorily perfected under this section.

(3) The City elects not to be bound by the provisions of Chapter 68, Wisconsin Statutes with respect to administrative procedure set forth in this section.
11.176 Deleted.

11.177 EMERGENCY MEASURES.  (Cr. #97-59) The Director or the approving governing agency may from time-to-
time, in the case of an emergency, order any portion of the parks or recreation areas closed to the public, or post
closing hour limitations, or control the use of intoxicating beverages, or, for safety reasons, regulate certain activities
as to limitations on designated areas or specific hours of use, if the public interest so requires.  It shall be unlawful for
any person to interfere with or be present in or to use contrary to such parks or recreation areas after the same have
been posted accordingly.

11.178 ENFORCEMENT.  (Cr. #97-59) (Am. #12-30)

(1) The city police department or approving governing agency shall, in connection with their duties imposed
by law, diligently enforce the provisions of these park regulations.

(2) The city police department, Director and any park attendant shall have the authority to order any person or
persons acting in violation of these park regulations to leave the park or recreation area.

(3) Any law enforcement officer may issue a municipal citation in the form and manner prescribed in Section
25.09 of this Code for a violation of any of these park regulations and assess a penalty, except for a violation of
Section 11.164(2) which shall require a parking violation citation, enforced pursuant to Section 7.14(4) of this Code.

11.190 PENALTY.  Any person, firm or corporation violating any provision of these park regulations shall be fined not
less than five dollars nor more than five hundred dollars for each offense, and a separate offense shall be deemed
committed on each day during or on which a violation occurs or continues.