

CHAPTER 18
OFFENSES

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18.01 OFFENSES AGAINST STATE LAWS SUBJECT TO FORFEITURE

Except as otherwise specifically provided in this Code, the current and future statutory provisions in the following Wisconsin Statutes, as amended, defining offenses against the peace and good order of the State, excluding the punishments for such violations, but including any Wisconsin Statute not specifically enumerated below but necessary for meaningful construction and enforcement of said adopted statutes, and following the prefix “18” are adopted by reference to define offenses against the peace and good order of the City and are made a part of this Code as if fully set forth herein:

(1) Preliminary Provisions

- 18.990.01(26) Construction of Laws; Words and Phrases: Person. **“Person” includes all partnerships, associates and bodies politic or corporate.**
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18.941.38	Gang Member Solicitation and Contact
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- (15) **Forfeitures.** Except as otherwise provided, any person found to be in violation of any provision of this section shall be subject to forfeiture as provided in s. 18.19 of this Code.

18.02 TRUANCY AND SCHOOL DROPOUTS

- (1) **Definitions.** In this section the following terms shall have the following meanings:
- “Child”, when used without further qualification, means a person who is less than 18 years of age.
 - “Dropout” means a child who ceased to attend school, does not attend a public or private school, technical college or home-based private educational program on a full-time basis, has not graduated from high

school and does not have an acceptable excuse under s. 118.15, Wis. Stat.

- (c) “Habitual Truant” means a pupil who is absent from school without an acceptable excuse under s. 118.15, Wis. Stat., for part or all of five (5) or more days on which school is held during a school semester.
- (d) “Operating Privilege” means, in the case of a person who is licensed under Ch. 343, Wis. Stat., the license, including every endorsement and authorization to operate vehicles of specific vehicle classes or types, instruction permit, and temporary, restricted or occupational license granted to such person, in the case of a resident of this state who is not so licensed, it means the privilege to secure a license under Ch. 343, Wis. Stat.; in the case of a nonresident, it means the operating privilege granted by ss. 343.05(2)(a) or (4)(b)(1), Wis. Stat.
- (e) “Pupil” means a child who is assigned to attend a school in the City.
- (f) “Truant” means a pupil who is absent from school without an acceptable excuse under ss. 118.15 and 118.16(4), Wis. Stat., for part or all of any day on which school is held during a school semester.

(2) Truants.

- (a) Prohibition. A pupil shall not be a truant.
- (b) Dispositions. When a pupil is found to be a truant, the following dispositions shall be available to the court:
 - (i) An order for the person to attend school.
 - (ii) 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 2nd or subsequent violation committed within 12 months of a previous violation, subject to s. 938.37, Wis. Stat., and subject to a maximum cumulative forfeiture amount of not more than \$500 for all violations committed during 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.
 - (iii) An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342(1d)(c), Wis. Stat.

(3) Habitual Truants.

- (a) Prohibition. A person under the age of eighteen (18) who is assigned to attend a school in the City shall not be a habitual truant.
- (b) Dispositions. When a person is found to be a habitual truant, the following dispositions shall be available to the court:
 - (i) Suspension of the person’s operating privilege for not less than thirty (30) days nor more than one (1) year. The court shall

- immediately take possession of any suspended license and forward it to the department of transportation together with a notice stating the reason for and the duration of the suspension.
- (ii) An order for the person to participate in counseling or a supervised work program or other community service work as described in s. 938.34(5g), Wis. Stat. The costs of any such counseling, supervised work program or other community work may be assessed against the person, the parents or guardian of the person, or both. Any county department of human services or social services, community agency, public agency or nonprofit charitable organization administering a supervised work program or other community service work to which the 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.
 - (iii) An order for the person to remain at home except during hours in which the person is attending religious worship or a school program, including travel time required to get to or from the school program or place of worship. The order may permit a person to leave his or her home if the person is accompanied by a parent or guardian.
 - (iv) An order for the person to attend an educational program as described in s. 938.34(7d), Wis. Stat.
 - (v) An order for the department of workforce development to revoke under s. 103.72, Wis. Stat., a permit under s. 103.70, Wis. Stat., authorizing the employment of the person.
 - (vi) An order for the person to be placed in a teen court program as described in s. 938.342(1g)(f), Wis. Stat.
 - (vii) An order for the person to attend school.
 - (viii) A forfeiture of not more than \$500 plus costs, subject to s. 938.37, Wis. Stat. All or part of the forfeiture plus costs may be assessed against the person, the parents or guardian of the person, or both.
 - (ix) Any other reasonable conditions consistent with this subsection, including a curfew, restrictions as to going or remaining on specified premises and restrictions on associating with other children or adults.
 - (x) An order placing the person under formal or informal supervision, as described in s. 938.34(2), Wis. Stat., for up to one (1) year.
 - (xi) 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.

(xii) An order for the person to report to a youth report center after school, in the evening, on weekends, on other non-school days, or at any other time that the person is not under immediate adult supervision, for participation in the social, behavioral, academic, community service, and other programming of the center as described in s. 938.342(1d)(c), Wis. Stat.

(4) Dropouts.

(a) Prohibition. No person shall be a dropout.

(b) Disposition. The court may suspend the operating privilege of a person who is at least sixteen (16) years of age but not more than eighteen (18) years of age and a dropout. Such suspension shall terminate when the person reaches the age of eighteen (18). The court shall immediately take possession of the suspended license and forward it to the department of transportation with a notice stating the reason for and duration of the suspension.

18.03 ALCOHOLIC BEVERAGES

(1) Reference to State Statutes Adopted. See generally Code of Ordinances ss. 18.125.02 to 18.125.69.

(2) Definitions. In this section the following terms shall have the following meanings:

(a) “Public Place” means any public street, highway, alley, sidewalk, parking lot, government building, park, or other public property.

(3) Alcoholic Beverages in Public Places.

(a) Consumption of Alcoholic Beverages in Public Places. No person shall consume any intoxicating liquor, wine, or fermented malt beverage while in or upon any public place.

(b) Consumption of Alcoholic Beverages to be on Premises. No person who purchases wine, alcoholic or fermented malt beverages by the glass or in open containers shall consume the same other than upon the premises where served, and they shall not remove the same to public places in the City of Wisconsin Dells.

(c) Possession of Alcoholic Beverages in Public Places. No person shall be in possession of any glass or open container containing wine, alcoholic or fermented malt beverages in any public place.

(d) Permits Issued. Fraternal and service organizations and clubs may apply for a permit to have meetings, festivals, and activities held in a public place so that alcoholic and fermented malt beverages may be consumed during the time permitted as designated on the permit and within the area specified in the permit.

(e) Notices to be Posted. All premises licensed for the sale of fermented malt beverages, wine, or intoxicating liquor shall post a notice at each

exit stating that "No beer, liquor, or wine may be carried in an open container out of this building."

- (4) Pedal Pubs. No person shall drink from or have in their possession an open container of fermented malt beverage or intoxicating liquor while on a commercial quadricycle as defined by s. 340.01(8m), Wis. Stat.; or while on any other type of commercial cycle.

18.04 SMOKING

- (1) Definitions.
 - (a) Except as otherwise provided in this section, the definitions from s. 101.123(1), Wis. Stat., as amended, are hereby adopted by reference as if fully set forth herein.
 - (b) "Electronic delivery device" and "e-cigarette" mean any product containing or delivering nicotine, lobelia, or any other substance intended for human consumption that can be used by a person to simulate smoking in the delivery of nicotine or any other substance through inhalation of vapor from the product. Electronic delivery device includes any component part of a product, whether or not marketed or sold separately. Electronic delivery device does not include any product that has been approved or certified by the United States Food and Drug Administration for sale as a tobacco-cessation product, as a tobacco-dependence product, or for other medical purposes, and is marketed, sold, and used for such an approved purpose.
 - (c) "Smoking" means burning, activating or holding, or inhaling or exhaling smoke or vapor from, any lighted, activated or otherwise in-use tobacco-related device.
 - (d) "Tobacco-related device" means any tobacco product as well as a cigar, cigarette, pipe, rolling papers, or other device intentionally designed or intended to be used in a manner which enables the chewing, sniffing, or smoking of tobacco or tobacco-related products. The term "tobacco-related device" includes electronic delivery devices and e-cigarettes.
- (2) Prohibition Against Smoking.
 - (a) Smoking Prohibited. Ss. 101.123(2)-(9), Wis. Stat., and 254.92, Wis. Stat., as amended, are hereby adopted by reference as if fully set forth herein.
 - (b) Tobacco on school property. The use of all tobacco products and tobacco-related devices on premises owned or rented by, or under the control of, a school board, except that the school board may allow the use of tobacco products on premises owned by the school district and rented to another person for noneducational purposes.
 - (c) Minors.

- (i) Definitions in this subsection:
 1. “Cigarette” has the meaning given in s. 139.30(1m), Wis. Stat.
 2. “Minor” means a person who is less than eighteen (18) years of age.
 3. “Law Enforcement Officer” has the meaning given in s. 30.50(4s), Wis. Stat.
 4. “Tobacco Products” has the meaning given in s. 139.75(12), Wis. Stat.
 5. “Nicotine Product” has the meaning given in s. 134.66(1)(f), Wis. Stat.
- (ii) Except as provided in subsection (iii), no minor may do any of the following:
 1. Buy or attempt to buy any cigarettes, tobacco product, nicotine product, or tobacco-related device.
 2. Falsely represent their age for the purposes of receiving any cigarette, tobacco product, nicotine product, or tobacco-related device.
 3. Possess any cigarette, tobacco product, nicotine product, or tobacco-related device.
- (iii) A minor may purchase or possess cigarettes, tobacco products, nicotine products, or tobacco-related devices for the sole purpose of resale in the course of employment during their working hours if employed by a retailer licensed under s. 134.65(1), Wis. Stat.
- (iv) A law enforcement officer shall seize any cigarette, tobacco product, nicotine product, or tobacco-related device involved in any violation of subsection (b) committed in their presence.
- (v) No person may procure for, sell, dispense, furnish, or give away any cigarette, tobacco product, nicotine product, or tobacco-related device to a minor.

(3) Outdoor Smoking in Public Places.

- (a) Smoking prohibited. To protect the health and comfort of the public, outdoor smoking is prohibited in the following public property under the jurisdiction of the city:
 - (i) Bowman Park
 - (ii) Rotary Park
 - (iii) Veterans Park
 - (iv) Jenkins Park
 - (v) Deerwood Glen Park
 - (vi) Weber Park
 - (vii) RiverWalk
 - (viii) Library Park

18.05 WEAPONS

- (1) Reference to State Statutes Adopted. See generally Code of Ordinance ss. 18.941.20 to 18.941.299.
- (2) Sale of Certain Weapons. No Person shall sell any firearm, blackjack, billy, bludgeon, crossknuckles, or knuckles of any metal, to any minor in the City of Wisconsin Dells.
- (3) Possession/Sale/Manufacture of Certain Weapons Prohibited.
 - (a) No person shall sell, manufacture, purchase, possess or carry a "Numchuk" (also called a "Nunchaku"), a "Shuriken" (also called a "Throwing Star"), a "cestus," a "manrikigusari," or a "Suchbai" (also called a "Ticchu") or similar weapons within the City of Wisconsin Dells.
 - (b) Definitions. For the purpose of this Section, the following definitions shall apply:
 - (i) "Cestus" means an instrument worn on the hand and weighted with metal or other substance.
 - (ii) "Manrikigusari" means an instrument consisting of a length of chain or other material with a weight attached to each end.
 - (iii) "Numchuk" or "Nunchaku" means an instrument consisting of two (2) or more sticks, clubs or rods connected by a rope, cord, wire or chain.
 - (iv) "Shuriken" or "throwing star" means a round throwing knife consisting of several sharp points protruding from a rounded disc.
 - (v) "Suchbai" or "Ticchu" means a short length of wood or metal or similar material which when gripped in the hand protrudes on either side of the fist. Such prohibited instrument may or may not have spikes or short pointed protrusions from either end.
 - (c) Any such device shall be seized by a law enforcement officer and destroyed or turned over to the State of Wisconsin Crime Laboratory for destruction.
- (4) Discharge of Weapons.
 - (a) Generally. No person shall, within the limits of the City of Wisconsin Dells, commit any of the following offenses, namely: discharge any pistol, gun, air rifle, air pistol, firearm or other weapon for the discharge of bullets, projectiles or pellets, whether the bullets, projectiles or pellets be propelled by an explosion of a gun powder or other explosion or by a spring, air pressure or other mechanical device or whether the bullets, projectiles or pellets be propelled in any other manner within the City limits unless granted a permit to do so by the Police Department.

- (b) Permits. Permits shall be granted only to discharge any such weapons on land owned or leased by the applicant or some members of his/her family and then only when the circumstances are such that the discharge of such weapons on such land may be accomplished with safety. Permits may also be granted to persons sixteen (16) years of age or over to hunt on lands within the City limits if such persons have the consent of the owner or tenants on the property on which such hunting will be done.
 - (c) Ranges Excepted. It is provided, however, that nothing in this Section shall be construed to prevent shooting on duly supervised rifle or pistol ranges, duly supervised shooting galleries and shooting of bows of less than fifteen (15) pounds pull, which activities are specifically hereby exempted from the restrictions of this Section.
- (5) Throwing or Shooting of Arrows, Stones and Other Missiles Prohibited. It shall be unlawful for any persons to discharge or throw by any means any dangerous missile, object, arrow, stone, snowball or other missile within the City of Wisconsin Dells, provided, however, upon written application to the Chief of Police and City Council, a person may be granted permission by the City Council to construct and maintain supervised archery ranges if, in the opinion of the City Council, the construction or maintenance of such ranges will not endanger the public health and safety.

18.06 DISORDERLY CONDUCT TO POLICE OR EMERGENCY PERSONNEL

- (1) It shall be a violation of this section for any person, in a public or private place, to engage in any violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct directed towards a police officer, fire fighter, or emergency personnel.

18.07 DISTURBING CEMETARY PROPERTY

- (1) Disturbing Cemetery Property. No person except the owner of the cemetery lot or a cemetery employee shall cut, remove, injure or carry away flowers, trees, plants or vines from any cemetery lot or property; nor shall any person deface, injure or mark upon any cemetery markers, headstones, monuments, fences or structures; nor shall any person other than the owner injure carry away or destroy any vases, flower pots, urns or other objects which have been placed on any cemetery lot.

18.08 ENTRY INTO UNLOCKED VEHICLE

- (1) Entry into Unlocked Vehicle. No person shall intentionally enter the unlocked and enclosed portion or compartment of a vehicle without the owner's consent and with the intent to steal.

18.09 LITTERING PROHIBITED

- (1) Reference to State Statutes Adopted. See Code of Ordinance s. 18.287.81.
- (2) In General. It shall be unlawful for any person or legal entity, in person, or by its agents, employees or servants, to deposit or discharge in any manner upon any public street, highway, sidewalk, alley, building, park or other public place in the City any kind of dirt, rubbish, waste, articles, thing or substance, whatsoever, whether liquid or solid. Nor shall any person or legal entity deposit or discharge any of the aforementioned items anywhere within the jurisdiction of the City in such a manner that it may be carried or deposited in whole or in part, by action of the sun, wind, rain, water, or snow, into any of the aforementioned places.
- (3) Exceptions. This section shall not apply to the deposit of material under a permit authorized by any ordinance of the City; or to leaves during leaf pick-up period or to goods, wares of merchandise deposited upon any public way or any other public place temporarily, in the necessary course of trade and remove therefrom within two (2) hours after being so deposited; or to articles or things deposited in or conducted into the City sewer system through lawful drainage in accordance with the ordinances of the City relating thereto.

18.10 LOITERING PROHIBITED

- (1) Loitering Prohibited.
 - (a) No person shall loiter or prowl in a place, at a time or in a manner not usual for law abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether such alarm is warranted is the fact that the person takes flight upon appearance of a police or peace officer, refuses to identify himself/herself or manifestly endeavors to conceal himself/herself or any object. Unless flight by the actor or other circumstances makes it impracticable, a police officer shall prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify him-or herself and explain his or her presence and conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the actor was true and, if believed by the police officer at the time, will have dispelled the alarm.
 - (b) No person shall engage in the following activities:
 - (i) After due warning, unreasonably hinder or obstruct the free passage of pedestrians or vehicular traffic;
 - (ii) Engage in conduct which creates danger or breach of peace;
 - (iii) Engage in conduct which disturbs the comfort and repose of persons acting lawfully; or,

- (iv) Engage in conduct causing obstruction, molestation, or interference with persons so as to cause them to fear for their safety.

(2) Loitering on School Grounds.

- (a) It shall be unlawful for any person, except as provided in Subsection (b) hereof, to be present or loiter in any school building or on any public school grounds without the permission of the school principal, custodian or other person in charge thereof.
- (b) This Ordinance shall not apply to students regularly enrolled in public schools who have not been properly ordered by the school principal, custodian or other persons in charge thereof, to leave the school grounds nor shall it apply to parents or legal guardians of a regularly enrolled student. However, such parent or legal guardian may be required to register at the school office.
- (c) As used in this Ordinance, the term "loiter" means to stay aimlessly and idly in a public school building or on public school grounds without proper permission; or to be present in the public school building or on public school grounds for some illegal purpose.
- (d) Any person under the age of eighteen (18) years old who shall violate the provisions of subsection (a) hereof may be referred to the proper juvenile authorities as provided in Ch. 48, Wis. Stat., and in the case of repeated violations by the same person, both the person and the parents or legal guardian of such person shall be referred to the juvenile authorities.
- (e) Any person age eighteen (18) or older who shall violate subsection (a) hereof shall upon conviction thereof pay a forfeiture of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), together with the costs of prosecution, and in the event of failure to pay such forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs are paid but not to exceed thirty (30) days.

(3) Obstructing Streets and Sidewalks Prohibited.

- (a) Obstructing Streets. No person shall stand, sit, loaf or loiter or engage in any sport or exercise on any public street, bridge or public ground within the City in such a manner as to prevent or obstruct the free passage of pedestrian or vehicular traffic thereon or to prevent or hinder free ingress or egress to or from any place of business or amusement, church, public hall or meeting place.
- (b) Blocking Sidewalk. No person shall block any sidewalk by obstructing the same so that it is impossible for a pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street.
- (c) Free Speech. This Section shall not be interpreted as prohibiting any person from stopping on any sidewalk to talk or to make a speech,

provided that such person shall not stand in such a location that it is impossible for any pedestrian to travel along the sidewalk without leaving the sidewalk and walking on adjacent property or on the street. If two (2) or more persons are engaged in talking while stopped on a sidewalk, they shall not stand in such locations as to completely prevent any pedestrian from passing them on the sidewalk.

- (d) Definitions. As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (i) Block. To interfere with unobstructed travel by any means, including, but not limited to, standing on the part of the walk that is fit for travel, or placing any object or vehicle whatsoever on such walk.
 - (ii) Sidewalk. Any sidewalk owned or maintained by the City. The term shall not include sidewalks or walkways on private property in shopping centers, apartment complexes, offices, building sites or any other private property.

18.11 SOLICITING PROHIBITED

- (1) Soliciting on Streets and Sidewalks.
- (a) Soliciting Prohibited.
 - (i) No person shall solicit tourists, travelers or other persons to patronize or to do business with any boat owners and operators, hotel, rooming house, restaurant, resort or other place for the entertainment of tourists and travelers, upon any of the highways, sidewalks and other public places within the City of Wisconsin Dells.
 - (ii) No person shall solicit tourists, travelers or other persons to patronize or to do business with any boat owners and operators, hotel, rooming house, restaurants, resort or other place for the entertainment of tourists and travelers by calling, whistling, signaling, waving, diverting or in any other manner vexing, annoying or disturbing pedestrians or passengers of vehicles.
 - (iii) This Section shall apply to sales of all types of merchandise and service and hereafter no one shall solicit the sale of any services or merchandise upon the streets of the City of Wisconsin Dells.
 - (b) Separate Offenses. Each and every act of soliciting prohibited under this Code shall constitute a separate and distinct violation of this Code.
 - (c) Soliciting Defined. Soliciting within the meaning of this Section shall be defined as any loitering, lingering or loafing upon any public street, highway, alley, sidewalk, parking lot, government building, park, or other public property, for the purpose of attracting the attention of tourists and others who are thereby induced to purchase tickets or rides on boats or to engage accommodations at hotels, rooming houses or

resorts. Anyone who shall then linger and loiter upon any public street, highway, alley, sidewalk, parking lot, government building, park, or other public property, and as a result of such loitering shall have sold boat rides, boat tickets or accommodations for hotels, resorts or rooming houses shall be guilty of a violation of this Section. This Section is for the purpose of protecting the public from the inconvenience, harm and menace of solicitors and is not to be construed as an abrogation of any individual's right to transact legitimate business; such Section is to prevent any one group of business people from using any public street, highway, alley, sidewalk, parking lot, government building, park, or other public property as business places from which to transact their private business, which constitutes annoyance, hazard and inconvenience to the public and a commercial detriment to the City.

- (d) Penalties. Any person who shall violate any of the provisions of this section of this Code shall, upon conviction, forfeit not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) together with the costs of prosecution, and in the event of failure to pay such forfeiture, shall be imprisoned in the county jail, not to exceed sixty (60) days.

18.12 DISORDERLY CONDUCT WITH A MOTOR VEHICLES

(a) Definitions.

- (1) “Motor Vehicle” for purposes of this Section shall mean a vehicle, including a combination of two (2) or more vehicles or an articulated vehicle, which is self-propelled, except a vehicle operated exclusively on a rail. This includes, but is not limited to, auto, truck, motorcycle, moped, snowmobile, mini bike, all-terrain vehicle, or golf cart.
- (2) “Disorderly Conduct with a Motor Vehicle” for purposes of this Section shall mean the engaging in violent, abusive, unreasonably loud conduct, or disturbing or endangering the property or safety of another’s person or property, or otherwise disorderly conduct, including, but not limited to, unnecessary, deliberate or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire, causing the Motor Vehicle, while commencing to move or in motion, to raise one or more wheels off the ground, causing any part of the Motor Vehicle to raise or lower by means of after-market suspension or hydraulic pumps, or to operate the Motor Vehicle without a required driver’s license.
- (3) “Dynamic Braking Device” (commonly referred to as a Jacobs brake, engine brake, or compression brake) for purposes of this Section shall mean 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.

- (b) Unnecessary Noise Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner which shall make or cause to be made any loud, disturbing, or unnecessary sounds or noises such as may tend to annoy or disturb another in or about any public or private area in the City of Wisconsin Dells. This includes, but is not limited to, squealing of tires, revving of the engine, causing the engine to backfire, amplify or increase noise emitted by the motor above that emitted by the muffler originally installed on the Motor Vehicle, use of the motor vehicle's horn for other than its intended purpose for warning other motorists or pedestrians required by law and the like.
- (c) Unnecessary Smoke Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner which shall make or cause to be made any smoke, gases, or odors which are disagreeable, foul, or otherwise offensive, which may tend to annoy or disturb another in or about any public or private area in the City of Wisconsin Dells.
- (d) Unnecessary Acceleration and Display of Power Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner as to cause, by excessive and unnecessary acceleration, the tires of such vehicle to spin or emit loud noises, to unnecessarily throw stones or gravel, cause the Motor Vehicle to "fish tail," cause the operator of the Motor Vehicle to lose control of the Motor Vehicle or accelerate at a rate of speed that constitutes a danger to other motorists or to pedestrians; nor shall such driver cause to be made by excessive and unnecessary acceleration any loud noise as would disturb the peace.
- (e) Disorderly Conduct with a Motor Vehicle. No person shall, within the City of Wisconsin Dells, by or through the use of a Motor Vehicle, cause or provoke Disorderly Conduct with a Motor Vehicle, cause a disturbance or annoy one or more persons, or disturb or endanger the property or safety of another's person or property.
- (f) Avoidance of Traffic Control Device Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner as to leave the roadway and travel across private property to avoid an official control device, sign, or signal.
- (g) Operation in Restricted Area Prohibited. It shall be unlawful for any person to operate a Motor Vehicle in such a manner as to leave the roadway and park, stop, or travel upon or across any public or private property, parking lot, driveway, or business service area for any purpose except the official conduct of business located on said property without the consent of the owner or lessee of the property. The section shall specifically include but not be limited to:
 - (1) Public park property;
 - (2) Cemetery property;
 - (3) School District property;
 - (4) Medical facilities;
 - (5) Funeral homes;
 - (6) Service stations;
 - (7) Grocery stores;

- (8) Restaurants;
- (9) Financial institutions; and
- (10) Other similar-type businesses with service driveways, drive-up or drive-thru facilities.

- (h) **Stopping and Parking Prohibited.** It shall be unlawful for any person to stop or park a Motor Vehicle in any manner on any public or private property or parking lot contrary to a regulatory sign posted thereon which may permit parking by certain person and limits, restricts, or prohibits parking as to other persons without the consent of the owner or lessee of the property. Any Motor Vehicle parked in violation of this Section may be removed or towed by the property owner at the vehicle owner's expense.
- (i) **Use of Dynamic Braking Devices Prohibited.** It is unlawful for any person to operate any Motor Vehicle with a Dynamic Braking Device engaged, except for the aversion of imminent danger, within the City of Wisconsin Dells.

18.13 REGULATION OF BURNING OF MATERIALS

- (1) Burning of Materials. No materials shall be burned in the open in the City of Wisconsin Dells, except that the burning of leaves, brush, weeds and other organic material shall be allowed, provided that only leaves, brush or other organic material grown on the owner's lot may be burned and only if the burning is done on the owner's property and not on any part of City property and not upon black top roads.

18.14 CRUISING PROHIBITED

- (1) Cruising is prohibited on Broadway between Wisconsin Dells Parkway and the intersection of STH 13/23 and USH 16.
- (2) "Cruising" means driving a motor vehicle in the same direction past a traffic control point on a street in the designated area three (3) or more times within a two (2) hour period between the hours of 8:00 p.m. and 4:00 a.m. in a manner and under circumstances manifesting a "purpose" of unnecessary, repetitive driving in such area. Among the circumstances which may be considered in determining whether such purpose is manifested are that such person or any other person present in the vehicle attempts to gain the attention of other motorists or pedestrians or engages them in conversation, whether by hailing, arm waving, horn blowing, or another action or device, that such person or any other person present in the vehicle enters or exits the vehicle directly from or to another vehicle in or parked in close proximity to the designated area, that such person or any other person present in the vehicle violates state or municipal traffic regulations or municipal ordinances, or that such person has declared his or her purpose for driving to be that of cruising. The violator's conduct must be such as to demonstrate a specific intent to cruise. No arrest shall be made for a violation of this section unless the arresting officer first

affords an opportunity to explain such conduct, and no person shall be convicted of violating this section if it appears at trial that the explanation given was true and disclosed a lawful purpose, not unnecessary, repetitive driving. Lawful purposes include traveling to a specific destination by a person whose residence address is in the designated area or by a person whose business or employment requires driving in the designated area, and operating an official emergency or police vehicle in the designated area.

- (3) Any person who violates this ordinance shall, upon conviction thereof, forfeit no less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) together with the costs of prosecution, and, in the event of failure to pay said forfeiture and costs, shall be imprisoned in the county jail, not to exceed ninety (90) days.

18.15 PUBLIC URINATION OR DEFECATION PROHIBITED

- (1) Defecating or Urinating in Public Areas. It shall be unlawful for any person to defecate or urinate outside of designated sanitary facilities, upon any sidewalk, street alley, public parking lot, park, playground, cemetery or other public area with the City, or upon any private property in open view of the public, or in the halls, rooms without restroom facilities, stairways or elevators or public or commercial buildings, or to indecently expose his person.

18.16 ESTABLISHING POLICE LINES

- (1) Definition. A “Police Line” is defined as the boundary of an area which has been temporarily isolated or set apart by tape, ropes, barricades or other methods by the police in pursuance of official duties, and which boundary or line is plainly marked.
- (2) A law enforcement, public safety, fire or emergency management officer may establish a police line when it is necessary to protect an area or restrict public access to an area. The location and duration of the police line shall be reasonably related to its intended purpose and shall be identified in a manner that gives reasonable notice of its presence.
- (3) No person may cross a police line without permission of the authority that established the line.

18.17 CURFEW FOR JUVENILES

- (1) Prohibited Hours. No person under the age of eighteen (18) years shall be or remain in or upon any public street, highway, alley, sidewalk, parking lot, park, or other public property of the City between the hours of 10:00 o’clock P.M. on any Sunday, Monday, Tuesday, Wednesday and Thursday until 5:00 o’clock A.M. the following day, and between the hours of 11:00 o’clock P.M. on Friday and Saturday until 5:00 o’clock A.M. the following day, unless such person is accompanied by his/her parent, guardian or other individual having custody of such person.

- (2) Travel to and from Work. This Section shall not apply to any person Under the age of eighteen (18) years of age who is required to use the streets, alleys, or public places of the City during the hours named for the purposes 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 or guardian, without any detour or stop;
 - (c) in a motor vehicle involved in interstate travel;
 - (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 or abutting the residence of a next-door neighbor if the neighbor did not complain to the police department about the minor's presence;
 - (g) attending an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Wisconsin Dells, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults and sponsored by the City of Wisconsin Dells, a civic organization, or another similar entity that takes responsibility for the minor; and,
 - (h) exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly
- (4) Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response or other circumstances, no defense in subsection (3) is present.
- (5) Juvenile to be Returned Home on First Offense. Upon first violation of this Ordinance by any person under the age of eighteen (18) years who is found in any public street, highway, alley, sidewalk, parking lot, park, or other public property in the City, such person may be taken into custody by any police officer of the City and forthwith taken to his/her home. If the juvenile is not a resident of the City of Wisconsin Dells, the police department shall instruct the person to return to his/her home wherever located. It shall be the duty of the police department to cause such a record of such offense to be recorded at the department, and to notify the parent, guardian, or individual having custody of the person violating the Ordinance of this violation. Notice may be made either in person, by telephone or by letter.
- (6) Applicability of Chapter 48, Wisconsin Statutes. Any person under the age of eighteen (18) years who has been once taken into custody and returned to

his/her home under the provisions of this preceding Subsection and thereafter violates the provisions of this Section shall be subject to referral to Juvenile Court Intake under Chapter 48 of the Wisconsin Statutes.

(7) Special Penalty Section.

- (a) It shall be unlawful for any person under the age of eighteen (18) years to violate the provisions of this section. Upon the second offense of this section by such person, in addition to the provisions of subsection (6), such person shall forfeit and pay not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, together with the cost of prosecution.
- (b) It shall be unlawful for any parent, guardian or other individual having custody of any person under the age of eighteen (18) years, to allow or permit such person to violate the provisions of this Section. Upon the second offense of this Section by a person under the age of eighteen (18) years, the parent, guardian, or other individual having custody shall be in violation of this section of the Code and shall forfeit and pay not less than five dollars (\$5.00) nor more than fifty dollars (\$50.00) for each offense, together with the cost of prosecution, and in lieu of payment thereof shall be confined to the county jail not to exceed five (5) days.

18.18 REGULATION OF POLITICAL SIGNS

- (1) Political Signs. Political signs may be erected, installed or placed on any property within the City provided the erection, installation and placement of such signs is done with the approval of the owner or occupant of such property. As provided in s. 86.19, Wis. Stat., no political sign shall be erected, installed or placed within the right-of-way of any public street or highway within the City. No signs shall be attached or fixed to any utility pole, tree or other structure within the right-of-way of any public street or highway within the City. Any political sign erected, installed or placed within the right-of-way of any public street or highway shall be summarily removed by the City. All political signs erected, installed or placed shall be removed within five (5) days after the date of the election relating to such political signs by the owner or occupant of the land upon which such signs are located. No permit shall be required and no permit fee charged for the installation of any political sign as provided in this section.

18.19 PENALTIES

- (1) Unless otherwise provided herein, any person or legal entity who violates any provisions of this ordinance shall be subject to a forfeiture as set forth in Municipal Code 30.04(1)(c) as adopted by Resolution of the Common Council and kept on file at the City Clerk's Office.

CHAPTER 18 REVISIONS

07-15-91 A-292
10-21-91 A-295
07-22-93 A-332
06-23-94 A-344
02-28-96 A-383 (Sec. 18.06 repealed)
08-27-97 A-414 Loitering amended to allow for explanation. sec.18.14(5)(a)
01-18-00 A-454 Truancy and School Dropouts
03-28-01 A-478 Repeals and Recreates Chapter 18.
04-03-04 A-552 Repeals curfew sec. 18.14(9) & recreates it in 18.17
07-28-04 A-558 Regulates the sale and possession of imitation firearms. 18.14(16)
12-29-04 A-566 Adds defecating & urinating in public places to mun. violations. 18.14(17)
12-29-04 A-567 Tobacco on school grounds prohibited. Adopts Ss 120.12(20). 18.06(5)
06-28-06 A-605 Ability to issue municipal citations for drug paraphernalia. 18.16(6), (7), & (8)
09-26-09 A-662 Adding illegal entry into an unlocked vehicle as an offense. 18.10(23)
03-20-10 A-676 False complaints of Police Misconduct an offense. 18.13(6)
03-20-10 A-678 Smoking Prohibited. Statewide Smoking Ban. 18.06(6)
10-23-10 A-691 Prohibit use, possession and sale of “fake marijuana. 18.16(10)
07-23-11 A-706 Updates fake marijuana ordinance to reference state statute. 18.16(10)
03-23-13 A-728 Updates fake marijuana ordinance adding 18.16(11)
04-23-14 A-744 Creates and amends several code sections.
10-29-14 A-755 Prohibits outdoor smoking in public parks. 18.05 created.
05-27-15 A-768 Update Smoking & Smoking Product regulations. 18.06
08-22-15 A-775 Prohibits pedal pubs. 18.03(4)
09-24-15 A-780 Adds 18.03(5) Contrib. to truancy; 18.07(7) Stalking, 18.09(24) Tresp. on RR.
12-30-15 A-783 Resisting/obstructing/disorderly conduct subject to civil pen. 18.13(2)&18.14(1)
05-21-16 A-797 Repeals & Recreates Chapter 18.
08-30-18 A-834 Restricts possession of alcohol beverages not sold on premises 18.125.32 created
04-25-19 A-843 Repeals & recreates disorderly conduct w/motor vehicle 18.12